THE NATURE OF ECCLESIASTIC GOVERNMENT, AND OF THE CONSTITUTION OF THE CHURCH OF *SCOTLAND* ILLUSTRATED.

BEING

A second CONFERENCE on the TERMS of COMMUNION attempted to be impoſed on the Church of *Scotland* by a prevailing Party in the General Aſſembly.

GLASGOW:
Printed by J. BRYCE and D. PATERSON.
MDCCLIV.

BRITISH MUSEUM

THE PREFACE.

THE *Firſt Conference* has now been above a year expoſed to the publick view; during which time, if at all, ſome reply might have been expected, had the gentlemen, whoſe meaſures, and whoſe reaſonings in defence of them are attacked, found any room for it. Inſtead of any reply to it, many of our antagoniſts frankly own, that it is unanſwerable. Nay, they go ſo far as to ſay, that the principles there defended are ſuch as no body denies. And it is aſked, To what purpoſe was ſo bulky a performance publiſhed, to prove a thing which no body will diſpute? As this objection was foreſeen and taken notice of in the former preface, and yet another performance as bulky, is now again offered to the public, while a conſiderable part of the controverſy remains yet to be diſcuſſed, it may be proper to give here ſome account of ſuch procedure.

In ſhort, it is this very effect that has convinced me of the uſefulneſs and advantage of diſcuſſing thoroughly every branch of the controverſy, and going to the bottom of the ſubject. I laid my account from the beginning, that thoſe who could no otherwiſe defend themſelves, would take a handle from this method of procedure, to attack my own reputation. And provided they continue the ſame language, as we proceed, and ſay upon every branch of the argument, *Who denies this? Who diſputes it?* I do think *my reputation* but a ſmall ſacrifice, in order to obtain ſo profound a ſilence upon the *ſubject* in controverſy, and to ſtrike our *High-church men* ſo dumb in defence of their meaſures, and of their arguments in ſupport of them. When *Fabius Maximus* drew out the war againſt *Hannibal* to a greater length than was expected, he knew very well that his own reputation ſuffered thereby. But he knew likewiſe that it was for the advantage of the commonwealth.

Non ponebat enim rumores ante ſalutem,
Unus qui nobis cunctando reſtituit rem.

And it is certain, that, whatever appearance the thing may have at the firſt view, there is, in reality, leſs time and paper both waſted in this way, than there would be in conſulting the taſte of an indolent and ſlothful reader; a ſuperficial diſcuſſion of ſuch a ſubject would but leave room for replies and duplies, which might ſoon riſe to a greater bulk than any body is aware of, and fill the controverſy with perſonal reflexions on both ſides, and ſo involve us in endleſs litigation. Whereas, by beſtowing a little more time on it at the firſt, the bottom is driven out of it at once. Notwithſtanding the remarkable and unuſual air of triumph which ſo lately diſtinguiſhed the tenets and reaſonings of the other ſide, the taking ſome time to expoſe the abſurdity of them, has already ſet it in ſo ſtrong and ſtriking a light, that in downright ſhame of them, they are forced to diſown their own reaſonings, even while there is not a corner in *Scotland*, but what affords witneſſes againſt them, not to mention the printed pamphlets which they have ſuffered to eſcape from them into hundreds of hands, and which they have it not now in their power to recall.

There is one fact which confirms me in this way of thinking, namely, that the ſingle performance on our ſide of the queſtion, which the other ſide have ventured upon an anſwer to, was a *ſhort* letter publiſhed by ſome elders in *Glaſgow*, where the arguments againſt the prevailing meaſures, tho' they had as much juſtice done them as the bounds allotted for that performance would admit of, could not be illuſtrated ſo far as to ſet them beyond the reach of cavilling. Beſides that, the complaints of the bulk and length of the *Firſt Conference* came from ſuch as wiſhed there had been none at all, or, at leaſt, were not very zealouſly intereſted in the ſucceſs of it: while thoſe who were the heartieſt friends of the cauſe it appeared for, had no complaint of that ſort, nor wiſhed, as ſome of them expreſſed it, that it had been one page ſhorter.

It is really ſomewhat pleaſant to obſerve, how one abſurdity involves people in another. *Who is concerned*, ſay they, *to anſwer a book that is written againſt no body?* Now there are two things attempted in the *Firſt Conference*: The firſt is, to prove that certain tenets have been maintained by ſeveral miniſters and elders of this church, and certain arguments uſed by them in defence of theſe tenets. The other is, to ſhow that theſe tenets are falſe, and theſe arguments inconcluſive. The only reply that can be procured from theſe very gentlemen, is, *Who are you contending with? For our parts, we grant the whole.* What! do you

you grant the first as well as the second? A great part of the pamphlet, as well as of the preface is spent in illustrating the evidence of the fact. And for ministers and elders of the church of *Scotland* to ly still quietly under an accusation of maintaining *the innocence of commanded iniquities, the uselessness of private judgment, or the evil of exercising it in a state of society, and that implicite obedience is due to rulers requiring what is sinful*, shows but a small degree of concern for their own character, if they be really innocent. If they be guilty, (as they must at any rate be concerned in the first thing undertaken to be proven) how can they be unconcerned in the second?

But, say they, these are things that no body ever maintained. I am sorry these gentlemen know so little of what has passed in the world upon a subject about which they often talked with so much confidence. I am sure I am not the first that has thought it of importance to confute such errors.

Pliny the younger, in one of his epistles, gives an account of a cause he had to plead, which involved him in the same controversy. *Caecilius Classicus*, when he was proconsul of *Baetica*, had been guilty of grievous oppressions. The instruments whom he employed upon that occasion, when brought to their trial, defended themselves upon the very principles that have been so lately avowed in the church of *Scotland*, namely, that they were obliged to obey the orders of their superior. As *Pliny* had so good success in obviating this pretence, it is a pity he has not given us the substance of his pleading. But the passage is worth the inserting, especially as it may help to keep some folks in countenance, by shewing, that men of very good sense are apt, upon occasion, to have recourse to *their* arguments, tho' the best abilities in the world are not able to support them. *Circa Hispanum et Probum multum sudoris. Horum antequam crimina ingrederer, necessarium credidi elaborare, ut constaret* ministerium *crimen esse: quod nisi effecissem, frustra ministros probassem. Neque enim ita defendebantur, ut negarent, sed ut necessitati veniam precarentur. Esse enim se provinciales, et ad omne proconsulum imperium metu cogi. Solet dicere* Claudius Restitutus, *qui mihi respondit, vir exercitatus et vigilans, et quamlibet subitis paratus, nunquam sibi tantum caliginis, tantum perturbationis effusum, quam quum ea praerepta, et extorta defensioni suae cerneret, in quibus* omnem fiduciam reponebat.—— Hispanus et Probus *in quinquennium relegati*, adeo grave *visum est, quod initio dubitabatur an omnino crimen esset.* Lib. 3. ep. 9.

In the laſt age, one *Stellerus*, a lawyer, carried the principles of many of our preſent lawyers, as well as divines, to ſuch a length, and admitted their genuine conſequences to ſuch a degree, that he wrote a book called *Pilatus defenſus*, in order to prove that *Pilate*'s condemnation of our Saviour was an innocent action, as he was only the *executor* of a ſentence paſſed againſt him by the *Jewiſh Sanhedrim*. This book was publiſhed in the year 1674. and in the following year, *Thomaſius* publiſhed an anſwer to it, entitled, *De injuſto Pontii Pilati judicio*. Whoever will take the trouble of conſulting *Barbeyrac*'s notes in confutation of *Puffendorf*'s opinion upon this ſubject (who is one of the moſt creditable authorities our opponents can produce on their ſide of the queſtion) will not be ſo ready to ſay, that no body ever maintained the opinions imputed to them. But what need I mention individuals, when their fellow-labourers can be pointed out by ſhoals? To paſs by the Deiſts, and all thoſe who, with *Apollo*'s oracle in antient times, are for conforming to whatever religion happens to be eſtabliſhed by the laws of the country: Are not all high-church men of the ſame ſentiments? Not only the Papiſts but all the rigid Conformiſts in the church of *England*, do perpetually argue in the ſame preciſe ſtrain with our preſent Obedience-mongers. Bp. *Parker*, and Dr. *Goodman* particularly, ſeem to have furniſhed them with the very reaſonings they were once ſo confident of; though I can ſcarcely imagine that ever they would have taken up *their* cudgels, had they reflected how theſe two champions were handled, the one by Mr. *Aſſop*, the other by Mr. *Marvel*. The truth is, the pernicious errors above-mentioned are maintained in the very ſame way by both the *Engliſh* and *Scotch* high-church men, *i. e.* they reaſon from them, and tho' they cannot defend them when put to it, yet they cannot reaſon without them. The only argument which they inſiſt upon for conformity or obedience in the diſputed particulars, is, *You muſt obey here, becauſe you ought to obey in all things.*

The ſilence of our opponents, as well as the *explicite conceſſion* of ſome of them, is the reaſon why one point has not been reſumed, *viz.* the obligation, upon ſuch as cannot comply with an unlawful command, *to leave the ſociety*. What was ſaid upon this, in the appendix to the firſt conference did not exhauſt the ſubject. But I have no inclination to trouble the world with what is *really unneceſſary*. And I know not but ſome might have been laid under a temptation to deny that ever *this* was maintained too. Few have the courage to do what I am informed has been

been done by one of the ſubſcribers, if not the author of the reaſons of diſſent from the commiſſion in *March* 1752, who, it is ſaid, has frankly owned his renunciation of the doctrine contained in the firſt reaſon. However I think there is ſome ground already afforded to congratulate the publick upon the progreſs which is ſenſibly made in this controverſy. As long as it was carried on *viva voce*, it cannot be but remembered how high the pretenſions were carried. Preſbyteries and miniſters were then compared to ſoldiers and hangmen. The firſt had no more right allowed them to examine into the reaſon of what was impoſed upon them than the others. When once the diſſenters had recourſe to paper, and put their ſentiments in writing, their own reflexions brought them a note lower, and they expreſſed themſelves with more caution. Now time and ſome more cool reflexion, with the aſſiſtance, perhaps, of the writings on the other ſide have brought them a note lower ſtill, and what was thought to have been moſt carefully weighed they would now gladly have to paſs for inaccurate expreſſions only. In a word, they ſeem now to be eating in, as faſt as they were once throwing out. And, *Who ever ſaid ſo and ſo?* ſeems to be the beſt defence that ſome of their moſt favourite aſſertions can now obtain at their hands. For my part, I ſhould willingly have left it to time and reflexion to bring them to a ſtate of ſobriety again, were it not for two reaſons.

The firſt is, that however ſome of their reaſonings may be retracted, yet the effects of them are ſtill ſuffered to ſubſiſt. *Suſpenſion* and *depoſition* are ſomething more than *inaccurrate expreſſions*. And till once theſe cenſures are taken off, and the proceedings of the aſſembly 1752 reverſed, there can be no ceſſation of hoſtilities, nor any peace expected, but a falſe one.

The other reaſon is taken from the pernicious nature of the errors that have been propagated upon this occaſion, the practical nature of them, tending to quiet mens conſciences in the commiſſion of ſin, and leading by inſenſible ſteps to the very eſſence of Popery, and of Deiſm, if not Atheiſm, at the ſame time. Altho' the public effects of theſe principles did no longer ſubſiſt, and tho' the chief authors of them had expreſly diſavowed them; yet as long as there are any that appear to be infected with them, it is undoubtedly a matter of importance to diſabuſe them. And if this ſhould coſt ſome hundred pages of writing, no body who conſiders the importance of the matter will think the remedy diſproportionable to the diſeaſe. And there is the greater neceſſity for having recourſe to this method for combating theſe errors,

as there is no proſpect of their being attacked by the cenſures of the church. The edge of our diſcipline is turned *from* thoſe that break our laws, againſt thoſe who refuſe to break them.

There is one defence indeed, which I find ſome of our high-church men *boaſt* of, that covers them as effectually from this ſort of attack as they are by their ſtrength and numbers from the other. And that is, a firm reſolution not to read any thing that is written againſt them. This is in the true ſpirit of bigotry; and is, in ſome meaſure natural to high-church men, in the compoſition of whoſe character, there muſt needs be ſome degree of ſelf-conceit and contempt of others. Yet theſe very *avowed* party men do, the leaſt of all others, ſuſpect themſelves of *bigotry* or *partiality*. This is a caſe which is far from being uncommon. I have known ſeveral young people eſpecially, miſtake themſelves for *Free-thinkers*, or impartial enquirers, for no other reaſon but becauſe their inclination led them to read any thing that was written againſt the principles they had been educated in, while, at the ſame time, if they had met with any thing written in defence of them, a ſight of the title page was enough.

Upon this occaſion, let me put in mind thoſe who pique themſelves upon ſuch a ſupercilious contempt of their opponents, that they have themſelves to blame, if by this very conduct they provoke ſuch as have a turn for it, to write in a ſtrain that will make them hear, (as we uſe to ſay) in the deafeſt ſide of t eir heads, and will draw abundanee of other readers at leaſt, (if *they* continue in the ſame humour) little to their advantage. For my own part, I wiſh for nothing more then a fair and friendly reaſoning of the matter. If *we* are in an error, *reaſoning* may convince us; but *depoſing* and even *ſtarving* us never will. Nay, I will venture to propheſy that every depoſition will weaken the ſtrength of the depoſers, and may, in time, bring the ballance to the other ſide. If, on the other hand, *our brethren* are in an error, (and as they do not yet pretend to infallibility, they may allow this at leaſt to be poſſible.) Why ſhould any of them *reſolve* never to be convinced? The moderator of the aſſembly 1752, 'tis ſaid recommended to his brethren from the chair to ſtudy the principles of government. We have hearkened to that recommendation: but the farther we proceed in this ſtudy, the leſs do we approve of the conduct of that aſſembly. Will neither he, nor any other learned brother contribute their charitable aſſiſtance to ſet us right, if they perceive us wandring aſtray in that ſearch ſo publicly recommended to us. I hope the *argumentum baculinum* is not the only ſort of logick they have at our ſervice.

It

It is true, we have not been left altogether deſtitute of aſſiſtance from that quarter. And therefore I ſhall briefly give the reaſons why it has had no better ſucceſs. The firſt attempt that our brethren made from the preſs to convince us was, *The reaſons of diſſent from the commiſſion in March* 1752. There they do indeed give us their principles of government. But we are ſo made that we require ſomething elſe to convince us than meer aſſertions confidently repeated in a variety of different phraſes. *The Juſt View of the conſtitution* came next. And I own the author has written like a gentleman and like a brother. But then it muſt be owned likewiſe, that all he has ſaid was too *ſuperficial* to make converts of any who had thought upon the ſubject, and who had heard almoſt every thing that is there 50 times. As for the *Vindicator of the Aſſembly*, I wiſh he had known that it is *reaſoning* not *ſcolding* that will convince us. It is not without ſome concern that I muſt charge that author with unfairneſs in almoſt the only attempt he has made that looks like reaſoning, p. 7. and 8. where he repreſents the books of diſcipline as *authoriſing the ſettling of congregations without the conſent of the people*, in contradiction to the expreſs aſſertion of the aſſembly 1736. This is done by culling out paſſages, and ſuppreſſing others that would have explained them, in ſuch a manner as may impoſe upon them, that never ſaw any thing elſe of thoſe books, but muſt have been known to be impoſition to any one that had recourſe to the books themſelves, which I hope, for his own ſake, the author had not. This ſhall be made evident if ever we get that length in the controverſy, when both he and the author of the *Juſt View*, &c. ſhall have all juſtice done them as to what they have advanced on this part of the ſubject. We had, laſt of all, ſomething like reaſoning and temper again, in the *Letters on Obedience*. But then his *reaſoning*, (ſo far from recommending the author's principles to us) has entirely convinced us that they would lead us into the very depths of Popery itſelf, as may appear from ſome of the following pages.

As we have now got thro' the general part of this debate, what remains (if it ſhall be carried on) is to ſtate the objections we have to the execution of ſuch violent ſettlements as have been ordered by ſome aſſemblies, where it is propoſed to be proved that they are contrary to the law of nature, and to any rational end and deſign of the office of a miniſter, contrary to the general rules and the ſpirit of the goſpel, contrary to an uniform ſeries of eccleſiaſtical canons for many hundred years after the Chriſtian church was erected, contrary to the prin-

principles of the reformation, contrary to many ſtanding acts and conſtitutions of the church of *Scotland*, and to her conſtant principles, and that they are, by no means, countenanced, nor the church obliged to them by the laws of our country. And after having vindicated the conduct of inferiors that has been ſo ſeverely cenſured, it may not be improper to conſider the meaſures that have been taken with them by the aſſembly 1752, and which, by ſome miſtakes that happened, were ratified, and in a manner done over again by the aſſembly 1753. and which, as long as they continue unreverſed, we have reaſon to believe are the meaſures intended for the time to come. But as, on theſe branches of the ſubject, there has been little ſaid or written on the other ſide to retard us (which is the occcaſion of the two firſt conferences being ſo long) they may be diſcuſſed in narrower bounds.

There is one thing which 'tis neceſſary to advertiſe the reader of, that the following conference is ſuppoſed to have happened in the interval between the aſſembly 1752 and the aſſembly 1753. And therefore when the *laſt aſſembly* is mentioned 'tis the aſſembly 1752 that is meant. Indeed a great part of it was written, and intended to have been publiſhed before the aſſembly 1753. But when that appeared to be impracticable, the writing of it was laid aſide, eſpecially as there were once ſome hopes that there would have been no occaſion for it. But theſe hopes being diſappointed, it was lately thought proper to reſume it.

Some indulgence is expected from the reader for errors of the preſs, both in this and the former part, which, in ſome places, mar the ſenſe. Particularly in the Appendix to the firſt Conference, p. 138. l. 15. from the bottom, the word [Queſtions] is printed inſtead of [Quotations]. Some ſuch eſcapes may happen in the following ſheets, which muſt be left to the mercy of the good-natured reader, who may impute ſuch things to the author's diſtance from the preſs.

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The

The NATURE of ECCLESIASTICAL GOVERNMENT, &c.

CONFERENCE II.

PHILARCHUS, THEODULUS, ANDROPODIUS.

§ 1. PHILARCHUS is a gentleman of good ſenſe, of a polite education, and very agreeable and entertaining in converſation. The ſociety of friends, not only ſuch as excel in wit and pleaſantry, but of men that have any character for knowledge and literature, is an enjoyment that *Philarchus* has a higher reliſh of, than for the deſtruction of inoffenſive animals, the extinguiſhing his rational powers by repeated bumpers of intoxicating liquor, or murdering that enemy of idle people, time, by the perpetual ſhuffling of a pack of cards, and keeping anxiety on a conſtant rack about the ſudden and unreaſonable alienation of property. From this account of him, it is eaſy to gueſs that the clergy in his neighbourhood are always acceptable gueſts to a gentleman of *Philarchus*'s turn and taſte. As for his religion, he had the advantage of a pious education. But the reading of his own choice on this ſubject has been as much among the books of infidels, as among thoſe of the other ſide: and it has been obſerved that while he had a full collection of the pieces publiſhed by *Blunt*, *Collins*, *Tindal*, *Chubb*, *Mandevil*, *Hume*, &c. in his own library, if a peruſal of any thing written in anſwer to them has been recommended to him, a borrowed glance has often ſerved the turn. Yet *Philarchus* has frequently declared, that he is fully ſatisfied about the evidences of Chriſtianity, and is a moſt ſincere believer of our religion, and approves the conſtitution of the church of *Scotland* above any other eccleſiaſtical conſtitution. If his principles have been infected by the courſe of his reading, it ſeems to be more with reſpect to the foundations and extent of natural religion, than with reſpect to the proofs of the Chriſtian revelation. *Collins*'s doctrine of neceſſity paſſes with him for a perfect demonſtration. But as he meets with ſeveral miniſters who concur with him in this opinion, it is not looked upon, either by himſelf or others, as inconſiſtent with his profeſſion of Chriſtianity. And as he ſometimes attends the publick worſhip, and keeps a chaplain in his family for a tutor to his children, he

has been prevailed upon by *Andropodius*, in whoſe pariſh his ſeat lies, to accept of the office of a ruling elder, and was one of thoſe who voted at the laſt aſſembly for the depoſition of Mr. *Gilleſpie*.

With this gentleman *Theodulus* has always kept up a correſpondence, that has been far from being diſagreeable on either ſide. Going one day lately to dine with him, it happened that *Andropodius* dropt in juſt a little before they ſat down to dinner. After the uſual complements and enquiries were over, *Andropodius* turning to *Theodulus*, began to apologiſe for his want of punctuality in keeping the appointment he had made with him. I am really half aſhamed, ſays he to him, to meet you any where elſe but in your own houſe, where I promiſed to be ſo ſoon; the rather that, after the victory you obtained, you may perhaps conſtrue it as leaving you in poſſeſſion of the field. But, I aſſure you, *Theodulus*, you are not to eſcape ſo. For altho' you have gained a little ground upon me, you may lay your account to have it diſputed by inches. And, as I cannot help owning that I loſt ſomething in the firſt ſkirmiſh, I am glad that I have met you here, where, by the aſſiſtance of *Philarchus*, I hope to be able to maintain the ground that remains.

PHIL. So it ſeems, gentlemen, there has been a battle between you: and you have a mind to make good the ſaying, that *cocks and clergymen never meet without fighting*. Some people have had very good diverſion at a cock-fighting. For my part, I expect rather better entertainment at a clergy-combat. If you'll fight it out here, I ſhall be very well pleaſed to be a ſpectator: But I expected a better office from you, *Andropodius*, to your pariſhioner, than to involve me in blood and battery, eſpecially in my own houſe againſt the laws of hoſpitality. And, I am ſure, *Theodulus*, you and I who have had a long ſtretch of a walk, ſince you lighted, muſt have a better ſtomach for our dinner than for fighting at preſent. Hungry men, 'tis ſaid, are ſoon angry. So I would adviſe you to make a truce till you have din'd. And then, if you'll take me for an arbiter in your diſpute, you ſhall have a clear ſtage, and no favour.

THEOD. I do aſſure you, Sir, I would never refuſe *Philarchus* for an arbiter in any cauſe where he is not already engaged as a party. And this, I am afraid, is ſo far the caſe in the diſpute which we have begun, that you will not be able to ſit ſo unconcerned a ſpectator of it as you ſeem to imagine. But for your comfort, if you will enter into this war, either as a principal or an auxiliary, I can tell you, that the battles between my friend *Andropodius* and me are very bloodleſs ones. At leaſt, I

hope,

hope, they ſhall always be ſo in the country. Indeed, if you and he had me at *Edinburgh* in the *New Kirk* iſle, I know not how far you might carry the matter; unleſs partiality to a friend be an abler match for the ſeverity of your government, than the humanity that is natural to both your diſpoſitions appears to have been at the laſt aſſembly. If ye do not ſhed the blood that is already in our bodies, I ſee you can do what is equivalent to it, by cutting off the means of recruiting it with new ſupplies. But whatever either blood or bread is loſt in the quarrel, none of you have any reaſon to be apprehenſive of your own, being ſecured againſt any retaliation in kind, even in caſe of the cleareſt majority on the other ſide, by our more peaceable and moderate principles, and the views we have of the effects that ſuch doings have had in the church.

PHIL. I perceive what ſubject you have been upon. And I proteſt to you, that it gives me a particular pleaſure to have an opportunity of hearing that ſubject diſcuſſed in this company, becauſe I have been always extremely much ſurprized at your taking the ſide of the queſtion, *Theodulus*, which I hear you openly eſpouſe. I really had ſome difficulty to believe it of a man of your ſenſe.

TH. I am obliged to ſo good a judge as you, Sir, for the partiality you have always ſhown in my favour. But will you give me leave to aſk, *Philarchus*, Is this all the effect of your once boaſted free-thinking? What will you leave to the groſſeſt bigotry for its diſtinguiſhing characteriſtick, if you who have ſo frequently declared againſt it, are unwilling to allow any reaſonable proportion of common ſenſe to thoſe who differ from you in their opinions? You would, I dare ſay, forgive my inſiſting upon this, if you knew the impreſſion I have, how much all the unreaſonable ſeverity that men are apt to exerciſe upon one another, and even the moſt barbarous and inhumane perſecutions are originally owing to the want of a due eſteem for one another. We will never uſe men like beaſts till once they are, in our imaginations, diveſted in ſome meaſure of the properties of the human kind. For as love and charity muſt have its foundation in eſteem, ſo when this foundation is removed, the ſuperſtructure muſt be in a very tottering ſituation. Mr. *Gilleſpie* muſt undoubtedly have had a very low ſhare of your eſteem, before you treated him as you did at the laſt aſſembly. A knave, I think you could ſcarcely ſuppoſe him to be. But if I may gueſs by the degree of ſuffering that my own character has underwent, it ſeems, in your apprehenſion, I cannot help ſuſpecting that you conſidered him as a fool.

PHIL.

PHIL. You are growing ſo ſevere, *Theodulus*, that I am very glad to hear the ſervants coming, I hope with our dinner, to interrupt you. I may perhaps be able to bear this when my belly is full. But as I hinted to you juſt now, I know not if my temper would have held out long, if the table had not preſented to me a more agreeable proſpect.

After dinner, and a glaſs or two, when the ladies had left the room, the converſation was renewed upon the ſame ſubject.

AN. I find, *Theodulus*, we muſt have a care of what we ſay upon the affair we were ſpeaking of: for you have got a trick of ſending to the preſs what paſſes in private converſation. Do not imagine, however, that it was this which prevented me from attending you at your own houſe. I am ſo far from being in the leaſt degree diſobliged at it, that if you have the ſame ſucceſs now as you had formerly, you have my conſent to publiſh a ſecond conference. For, if I be as much convinced that I have been on the wrong ſide in the other points, as I frankly own I now am, (and the more ſo the longer I think of it) with reſpect to the point already diſcuſſed, I ſhall then be as much intereſted as you in the converſion of others to that which, in ſuch a caſe, will appear to me as well as you to be the truth.

TH. There now, *Philarchus*, was a ſpecimen of true freedom of thought, which confirms me in the good opinion I always had of *Andropodius*'s honeſty and ſincerity, and appears to be a nobler exertion of greatneſs of ſoul, than all the moſt ingenious arts of ſophiſtry in defending a bad cauſe. For my part, I could almoſt wiſh to be worſted in an argument, to have an opportunity of doing a thing with which I am always ſo charmed, when it is done with a good grace.

PH. I have glanced over the conference which it ſeems has been between you two. And the ſnub you gave me, *Theodulus*, before dinner, with the gentler inſinuation you have made now again, puts me in mind of the articles you agreed on, which you will not ſuffer, I find, to be broken, without a teſtimony of your reſentment. So I ſhall take more care for the future, at leaſt of that one for the breach of which I have already ſuffered. And now, gentlemen, I think 'tis time you were ſtarting again. *Andropodius*, it ſeems, has loſt the firſt heat: but he may win the race for all that. What I have chiefly to object againſt the ſcrupulous conſciences is with reſpect to the application of the general argument. For I am ſo far from being able to conceive any good reaſon againſt ſettling a preſentee, that I think you will very ſoon run yourſelves into the outmoſt confuſion if you do not. However, I know not if

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Andropodius is ſatisfied with what is ſaid in the appendix to the firſt conference upon the ſecond branch of the firſt queſtion, *viz.* the obligation of withdrawing from the ſociety that is thought to ly upon every one who cannot obey the orders thereof. I fancy, *Theodulus*, you intended to wheedle him by your complement into a mighty yielding diſpoſition. But if he would be adviſed by me, he ſhould not be quite ſo haſty in his conceſſions yet.

An. I am not ſo forward in my conceſſions as you take me to be, having ſomething more to ſay upon the neceſſity of obedience, before we come the length of withdrawing from the ſociety. I am indeed intirely ſatisfied that the firſt *Reaſon of Diſſent* is quite untenable, and wiſh from my heart it had never been heard of, at leaſt ſo widely publiſhed: for it cannot fail to ſtrengthen the prejudices that moſt people have already againſt us, as if we had a warm ſide to the principles of infidelity. But tho' I am content that this argument be diſcarded, I have not given up any more of them. Now you know that the Diſſenters argue not only from the nature of government and ſociety in the general, but from our eccleſiaſtical conſtitution particularly, and the ſubordination of judicatories, which is eſſential to its frame. I would be glad to hear, *Theodulus*, how the laſt aſſembly could have avoided the very courſe they took, without giving the *coup de grace* to our conſtitution.

Th. That you ſhall hear at length, if you'll have a little patience. But I thought you had been determined to diſpute the ground by inches. How come you then to turn your back at the very firſt onſet? If the ground you reſolve ſo obſtinately to diſpute be the *Reaſons of Diſſent*, you ſlip very haſtily into the third. You know, that after having argued from the nature of ſociety in general in their firſt reaſon, there is a ſecond, wherein they ſeem to lay a particular ſtreſs upon the nature of *eccleſiaſtical* ſociety. Have you nothing to ſay to this? Or, am I to conſider it as ſo much new territory yielded to me without a ſtroke?

An. Truly, Sir, for the territory, if you have any luſt after the poſſeſſion of it, I wiſh it were richer for your ſake. You have free liberty for me to diſpoſe of it as you pleaſe. But I do not conſider it as any new acquiſition. I take it rather to be a province that muſt follow the fortunes of the firſt. So when I yielded you the one, I, at the ſame time, yielded you the other alſo.

Th. If you have the paper by you, *Philarchus*, I wiſh however you would be ſo good as to glance it over, and if it were but to gra-

gratify my curioſity, try if you can find out whether I have made any thing at all by this new acquiſition. My friend here who is ſo liberal of his *provinces* does not ſeem to conſider it as conſiſting of ſo much as an *inch*. For my part, before I knew of my property I have ſurveyed it as exactly as I can, but am yet at a loſs to diſcover even a *hair's breadth* of argument in it. It conſiſts, you ſee, of two parts. In the laſt, they fall upon a paſſage in *The Reaſons of Diſſent from a ſentence of the Aſſembly* 1751, which I believe *Andropodius* (in the view he has now of their firſt reaſon) wiſhes they had let alone. The firſt part *ſhould* have been an illuſtration of this new argument. If it be ſo, I muſt confeſs it exceeds my comprehenſion.

They begin, you ſee, with a declaration which at the ſame time they tell us is unneceſſary, *viz.* "That they join with all "Proteſtants in acknowledging the Lord Jeſus Chriſt to be the "only King and head of his church." Now tho' I ſhould agree with them that this declaration is unneceſſary, yet I cannot think the reaſon which they give for the needleſſneſs of it is a good one, *viz.* "The character they bear of miniſters and elders of this "church," which they ſeem to think places them beyond any ſuſpicion of refuſing this acknowledgment. But if there are miniſters and elders of this church who claim a power of making laws that bind the conſciences of men, and that contend for obedience to theſe laws even when they appear to be *diſagreeable to the will of the Lord*, their character cannot prevent their firm belief of the above truth from being called in queſtion. For the Proteſtants who not only acknowledge, but heartily maintain the *ſole* kingſhip of Chriſt in his church, and have proven it too, do not only pronounce certain ſounds or write certain characters, but their meaning is, that the ſubordinate rulers whom Chriſt has appointed have but a *miniſterial* not a *legiſlative* power, that their buſineſs is to *teach what he has commanded*, and that no man is obliged to obey them, when they take it upon themſelves to command any thing that is diſagreeable to his will. But a better reaſon may poſſibly be ſuggeſted for the idleneſs of making ſuch a declaration. For if there are men who have no idea of *private judgment*, other than the inward perſuaſion of their own minds, as the diſſenters, in both their firſt and ſecond reaſons, have ſufficiently inſinuated, and who think it perfectly conſiſtent with ſuch inward perſuaſion to be conformable, in their external actions, to the ſentiments of their ſuperiors; if there are miniſters and elders of this church, who with Mr. *Hobbs* are of opinion "That "whatſoever a ſubject is compelled to in obedience to his ſove-"reign, and does it not according to his own mind, but the law

"of

" of his country, the action is not his, but his ſovereigns, nor is " it he that in this caſe denies Chriſt before men, but his gover- " nors and the laws of his country :" Indeed the declaration of any ſuch man is not only unneceſſary but quite inſignificant. For if we cannot judge when it is *he* that denies Chriſt, neither can it be diſcovered when it is *he* that acknowledges him.

Let this declaration however be neceſſary or unneceſſary, they will not pretend ſurely that it is any foundation of their ſecond reaſon. Being about to argue againſt the ſenſe of the doctrine here declared, they might think it neceſſary to ſhow that they had no ſcruple to write the words, or pronounce the ſounds in which it is uſually expreſſed. But an illuſtration of their ſecond reaſon from the nature of *eccleſiaſtical* ſociety, for obeying every order of eccleſiaſtical ſuperiors, tho' diſagreeable to the will of the Lord, is what I want to find. Is it to be met with, think you, in the words which they quote from the *Confeſſion of Faith?* " That the general rules of the word, as well as the light of " nature and chriſtian prudence, are always to be obſerved in " ordering the very circumſtances concerning the worſhip of " God, and the government of the church, common to human " actions and ſocieties;" Will this prove that when the moſt ſubſtantial part of the government is ordered in direct contradiction to the moſt important of theſe rules, the nature of eccleſiaſtical ſociety obliges every individual who has this view of the matter, to put ſuch orders in execution? Nothing remains then, before we come to their attack upon the Diſſenters from the Aſſembly 1751, for a ground of their ſecond reaſon, if it be not an inſinuation that the king of the eccleſiaſtical ſociety who is made *Head over all things to the church*, and who has promiſed that *the gates of hell ſhall never prevail againſt it*, makes no *extraordinary interpoſition* for the ſubſiſtence and preſervation thereof, more than for that of other ſocieties, which *ſhall be broken in pieces and conſumed, while the kingdom ſet up by the God of heaven ſhall never be deſtroyed.* But what is the inference they draw from this? No more than that eccleſiaſtical ſociety " can only ſubſiſt by thoſe fundamental maxims by which " all ſociety ſubſiſts." Is that all? Their firſt reaſon was drawn from the nature of *all* ſociety. Where is their ſecond reaſon, from the nature of eccleſiaſtical ſociety particularly? I hope the whole province I ſo lately acquired is not grown inviſible.

PH. As far as I can perceive in the curſory glance I have given it, they do not ſeem to pretend that there is any thing particular in the nature of *eccleſiaſtical* ſociety that contributes any thing to the ſtrength of their argument. Only, leſt it ſhould

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be thought that the reaſon they had already inſiſted upon, tho' it might hold as to civil ſociety, could not be extended to church government, they thought it proper, it ſeems, to add, that the caſe was the ſame in eccleſiaſtical ſociety too. "Since "miracles, ſay they, are now ceaſed, we do conceive that no "church or eccleſiaſtical ſociety can exiſt without obedience re- "quired from its members, and enforced by proper ſanctions."

Th. Sir, this was not only conceived, but actually brought forth in their firſt reaſon, where they had affirmed, (and ſtrong aſſeverations is all the argument they have to ſpare upon any occaſion) that the maxims they were oppoſing "will juſtify li- "centiouſneſs in eccleſiaſtical, as well as diſorder and rebellion "in civil government." Had they advanced any thing that was peculiar to eccleſiaſtical ſociety as ſuch, it would have afforded them a pretence for multiplying the number of their arguments. But when all they have to ſay is that they know no difference, the forming of a ſecond reaſon out of *nothing*, can be conſidered only as a ſort of falſe muſter, which I would ſcarcely have expected from gentlemen who have ſo great a reliſh for military diſcipline, as the arguers on your ſide of the queſtion were wont to have. But what would you think if this uſeleſs ſupernumerary *reaſon* of theirs, which they have muſtered up for the mere parade of the thing, ſhould deſert their colours, and prove of good ſervice and importance on our ſide of the queſtion?

Ph. But, in the mean time what ſay you to what I have read to you juſt now? I cannot help thinking that there is ſomething in it, whatever contempt you affect to pour upon it.

Th. I doubt much if my friend *Andropodius* thinks ſo, who has ſo explicitely given up the firſt reaſon, upon the ſtrength of which this entirely depends, being nothing elſe but a reference to what they ſaid of ſociety in general, and affirming the ſame of eccleſiaſtical ſociety particularly. But, if you will have it, I muſt ſay that I think they have been extremely unlucky in almoſt every word of it. For tho' miracles are ceaſed in one reſpect, that is, as viſible and ſenſible atteſtations of a divine miſſion; who told them that all *extraordinary interpoſitions of heaven* that may at any time be neceſſary for the ſubſiſtence and preſervation of the church was ceaſed, or ever will ceaſe? The late king *William* when he came over for the preſervation of the Proteſtant churches in the *Britiſh* iſles was not of their opinion, when the *Proteſtant wind*, as it was then called, as ſoon as it had brought him to the place where he intended to land, ſhifted about ſo as to blow him into *Torbay*, and then roſe into ſuch a tempeſt as diſabled king *James*'s fleet from giving him any diſturbance, on which

which occaſion the famous lines of *Claudian* were thought very applicable:

O nimium dilecte Deo, cui militat aether,
Et conjurati veniunt ad claſſica venti!

Again, Sir, 'tis certain that the obedience which they recommend, I mean an implicite and unlimited obedience is ſo far from being indiſpenſibly neceſſary to the preſervation of the church, that the very exiſtence of any true church in the world, and the preſervation of any true religion among men, is entirely owing to the contrary maxim obtaining in all ages among good men. This is a fact ſo obvious upon the very face of all church hiſtory, that he who runs may read it. What elſe was it whereby ſeven thouſand were reſerved to God, and kept from bowing the knee to *Baal*, when both prieſts and prophets, (excepting *Elijah* alone, and they ſought his life to take it away) *had a ſpirit of deep ſleep poured out upon them, and their eyes were cloſed, when their rulers and the ſeers were covered.** When *the prieſts ſaid not, Where is the Lord? and they that handle the law knew him not: the paſtors alſo tranſgreſſed againſt him, and the prophets propheſied by* Baal, *and walked after things that do not profit.*† When *the prophets propheſied falſly, and the prieſts bare rule by their means, and the people loved to have it ſo.*‡ When *the paſtors were become brutiſh, and ſought not the Lord, and all their flocks were ſcattered.*‖ When *both prophet and prieſt were profane, and thought to cauſe God's people forget his name.*§

When, amongſt the kingdoms of the world, *the God of heaven ſet up a kingdom that ſhall never be deſtroyed*, did it not owe its very firſt exiſtence to a ſpirit directly oppoſite to that which we are here told it muſt be indebted to for its preſervation? What if the bleſſed founder of the Chriſtian ſociety, at a time when he himſelf did, and required his diſciples to ſubmit to the rulers of the *Jewiſh* church in all lawful things, had carried the matter as far as our diſſenters do? The governors of that eccleſiaſtical ſociety did no leſs than nine times (as Dr. *Whitby* has ſhown in a ſermon on *John* vii. 47, 48, 49. and in an Appendix to his *Abſurdity of Hoſt-worſhip*) condemn our Saviour, and appointed that all who confeſſed him to be the Chriſt ſhould be excommunicated. Had they thought it proper to give the world an example of the obedience that was then *required and enforced by ſo proper a ſanction*, had the apoſtles afterward laid

 their

* Iſ. xxix. 10. † Jer. ii. 8. ‡ Jer. v. 31. ‖ Jer. x. 21. § Jer. xxiii. 11, 27.

their hand upon their mouth, and peaceably retired when they were bidden, chooſing to obey men rather than God, muſt not the Chriſtian church have been ſtifled in its cradle? And are the neceſſary means of the formation and ſupport of this *eccleſiaſtical ſociety* in its infancy, the certain inſtruments of its deſtruction when full grown? Had the orthodox clergy and people in the 4th century, when the world wondered to ſee itſelf *Arian*, been of the ſame ſpirit that our diſſenters would fain infuſe at leaſt into their opponents, while they find the government in their own hands, had they yielded the unlimited obedience which is now claimed as neceſſary to the exiſtence of eccleſiaſtical ſociety, what would have become of the exiſtence of true Chriſtianity? And had the ſame ſpirit univerſally prevailed above 200 years ago when *all the world wondred after the beaſt*, and a little afterward, when the council of *Trent* were of the ſame opinion with the diſſenters, where had been the exiſtence of any *Proteſtant*, any *reformed* church? Or, where had been the exiſtence of *that happy eccleſiaſtical conſtitution* which they *glory in being members of*, if our forefathers thro' every intermediate period had always been acted by their principles? How would they themſelves execute their *reſolution to ſupport* it, ſhould it be again expoſed to the ſame ſort of attacks which have always hitherto been repulſed from quite oppoſite maxims?

PH. Why truly, this ſame *eccleſiaſtical ſociety* muſt, by your account of the matter, be a very ſtrange ſort of ſociety; *diverſe* indeed, it ſeems, *from all kingdoms*; that thrives by diſobedience, and proſpers upon ſuch uſage as would ruin, and break in pieces any other ſociety. Do you really maintain, *Theodulus*, that church government is different from all other human governments, and that Chriſt has inſtituted eccleſiaſtical rulers only to be diſobeyed?

TH. Sir, I have already convinced *Andropodius*, that the diſobedience I plead for is nothing elſe but what all human governments ought to lay their account with. And therefore altho' the only medium which the Diſſenters make uſe of in their ſecond *reaſon* were to be allowed them, *viz.* That church rulers have the ſame claim to an unlimited obedience with the civil magiſtrate, yet it would not in the ſmalleſt meaſure ſerve their purpoſe; becauſe 'tis certain that the ſort of obedience which they inſiſt upon, is due neither to the one nor the other. But the truth is, upon this argument, I muſt deny their premiſſes, as well as their concluſion. And tho' the particular nature of *eccleſiaſtical* ſociety as ſuch has refuſed, you ſee, to afford them any argument which they can pretend to be new, yet it will be found

found a great deal more friendly to our ſide of the queſtion, as I have already hinted to you.

§ 2. That civil and eccleſiaſtical government ſtands preciſely upon the *ſame* footing, and demands the *ſame* ſort of obedience, is ſo far from being a datum to be yeilded upon demand, that a ſtudent of two or three years ſtanding in divinity, might be aſhamed to be as ignorant of what has been written on this ſubject as the diſſenters ſeem to be, when they argue againſt a Preſbyterian judicatory, as if this was a thing acknowledged on all hands, or at leaſt bring no other proof in ſupport of it, but that miracles are now ceaſed. There are two grand and important differences between civil and eccleſiaſtic government, that have both a great influence upon the obedience of the ſubject. The firſt is, that the object of the one is only temporal property, and other things belonging to this preſent life; whereas the object of the other is the eternal ſalvation of precious and immortal ſouls. The firſt of theſe may be yielded to the diſpoſal of others without any ſin, and indeed without any great or irreparable loſs. For, what is a man profited if he ſhould gain the whole world and loſe his ſoul? Or what is he hurt if he ſhould loſe the whole world and gain his ſoul? Theſe are things that may, in many reſpects, be regulated by mutable laws, which it is better oftimes to ſubmit to, tho' none of the beſt, than to contend or ſtruggle againſt them. Whereas the care of our eternal intereſts, I will yet venture to ſay, notwithſtanding the ſneer of the annotator in p. 5. of *the Reaſons of Diſſent*, is in the nature of it unalienable, the duties it infers are of an immutable kind, and the loſs to be ſuſtained quite abſolute, and irreparable by ten thouſand worlds. *

Another difference between civil and eccleſiaſtical rulers is, that the firſt have a *legiſlative* power, that in things not forbidden by God, binds the conſcience by its own force, abſtracting from the reaſon of the law: whereas all the power intruſted with the

* Immane quantum intereſt inter ſupremarum curiarum placita, et decreta conciliorum. Illa enim primum, qualiacunque ſint, jus tamen aliquod faciunt, et praetor etiam cùm iniquè pronuntiat, jus dicit, cui homines parere tenentur. Etenim cùm ea placita verſentur tantummodò circa res ad hanc vitam pertinentes, etſi injuſta forent, ſatius eſſet privatum aliquem aliquid injuſtè pati, quam ut detrectatione obſequii turbaretur ordo publicus, quo ſtatus reipublicae continetur. Haec verò, ſi ſaluti pernicioſa ſunt, nemo eis parere debet. Nulla enim ordinis in Eccleſia, nulla paſtorum reverentia tanta in quoquam eſſe debet, ut ſalutem negligat ſuam. *Theſes Salmur. de Conciliorum Auctoritate.*

the other is only *miniſterial*, and conſiſts in enforcing the laws of Chriſt, who is the only legiſlator in his own kingdom. They are tied down, even in ordering the external circumſtances in the government of the church, to obſerve the general rules of the word. And much more are they limited in the more important and ſubſtantial acts of government, where the will of Chriſt is more particularly and expreſly revealed, and where the ſalvation of ſouls is more deeply and immediately intereſted. In ſo much that when, in caſes of that nature, they order any thing in a manner that is diſagreeable to his will, they therein exceed their commiſſion, and have no right to be obeyed by Chriſtians, who are *his* ſubjects, not *theirs*. The very higheſt order of officers in the church are only Διάκονοι, *Miniſters*: whereas the civil magiſtrates are Κύριοι, *Lords* or *Maſters*. And therefore our Saviour has taught us by his own example to ſubmit to the one in a matter of indifference, even when he might have pleaded a peculiar privilege, by paying a tax of about fifteen or twenty pence; while, at the ſame time, he would not in obedience to thoſe who (in religion) *taught for doctrines the commandments of men*, yield to their ceremony of *waſhing hands*, tho' it was not worth a farthing.

This is the doctrine which, in the *Reaſons of Diſſent from the Aſſembly* 1751, gave our Diſſenters in *March* 1752 ſo much offence, and being either not willing, or not able to diſtinguiſh between the doctrine of *Proteſtants*, and the doctrine of *Independents*, miſtook it, it ſeems, for a peculiarity of the ſecond. But it is the doctrine of Chriſt himſelf, Sir, who expreſly diſtinguiſhes between the government of our civil rulers, and that which he delegated to the ſubordinate officers in his church. *The kings of the Gentiles*, ſays he, *exerciſe lordſhip over them*, κυριευουσιν αυτων; *and they that exerciſe authority upon them, are called benefactors. But ye ſhall not be ſo: but he that is greateſt among you, let him be as the younger; and he that is chief, as he that doth ſerve.* * Accordingly the apoſtles themſelves diſclaimed any dominion over the church, *Not for that we have dominion over your faith, but are helpers of your joy.* † *For*, ſays he, *we preach not ourſelves, but Chriſt Jeſus the Lord; and ourſelves your ſervants for Jeſus' ſake.* ‡ *Neither*, ſays the apoſtle *Peter*, *as being lords* κατακυριευοντες *over God's heritage, but being enſamples to the flock.* ‖ And again, in another place he ſays, *But be ye not called Rabbi: for one is your Maſter, even Chriſt, and all ye are brethren. And call no man your father upon the earth: for*

* Luke xxii. 25. † 2 Cor. i. 24. ‡ 2 Cor. iv. 5. ‖ 1 Pet. v. 3.

*for one is your Father which is in heaven. Neither be ye called maſters; for one is your Maſter, even Chriſt. But he that is greateſt among you, ſhall be your ſervant.**

The queſtion that has been raiſed upon this ſubject ever ſince the reformation, and the controverſy that has been in agitation between the *Papiſts* and *Proteſtants*, is not quite ſuch a ſecret as to furniſh a ſufficient excuſe for the *divines* who ſign *the Reaſons of Diſſent*, miſtaking this for a queſtion between the *Presbyterians* and *Independents*. You, Sir, indeed, and your brethren *elders* who have ſet their names to theſe *Reaſons*, may be excuſed if you have been led into a blunder of this kind by ſuch as might have been truſted (one would eaſily imagine) in a point of fact, which their profeſſion led them to be acquainted with. But I appeal to my brother here, who I doubt not will have the honeſty to tell you, that in all our common ſyſtems there is uſually a chapter or article upon this ſubject in oppoſition to the *Papiſts*, and that all *Proteſtants* have been agreed in it, if we except a few of the higheſt *Prelatiſts*.†

AN. TO

* Matth. xxiii. 8, 9, 10.

† Poteſtas politica eſt ἀρχιτεκτονικὴ et αὐτοκρατορικὴ, quae dominium et imperium importat. Sed eccleſiaſtica eſt ὑπηρετικὴ, οἰκονομικὴ et διακονικὴ quae in ſolo miniſterio conſiſtit, ſine ullo imperio et dominio propriè dicto. Licet magiſtratus Dei reſpectu miniſter ſit, et ejus poteſtas miniſterium, *Rom.* xiii. 4. reſpectu tamen ſubditorum quibus praeeſt, dominium exercet et imperium, 1 *Pet.* ii. 13. *Luc.* xxii. 25. Miniſtri vero non modò reſpectu Dei, ſed etiam reſpectu populi cui praeſunt, miniſtri ſunt tantum et non domini, 1 *Cor.* iv. 1. 2 *Cor.* i. 24. Magiſtratus habet poteſtatem leges propriè dictas ferendi ad rempublciam gubernandam, eaſque quando neceſſitas poſtulat, refigendi et mutandi: ſed miniſtris non competit haec poteſtas nomothetica. Leges Chriſti promulgare poſſunt et debent, et eas certis caſibus applicare, poſſunt canones ad τάξιαν retinendam facere; ſed nullas leges propriè dictas ferre poſſunt: Chriſtus unus eſt legiſlator, cujus Leges nec mutari nec refigi poſſunt a miniſtris. *Turret. Inſt. Theol. Loc.* 18. Q. 29. §. 14.

Paſtores nullum jus habent leges propriè dictas conſcientiae obligativas condendi. Rationes ſunt. 1. Quia unus eſt legiſlator, *Jac.* iv. 12. ſupremus *ſcil.* et ἀνυπεύθυνος, qui jus habet in conſcientiam, ut qui poteſt ſervare et perdere, non corpus modo, ſed et animam, *Luc.* xii. 5. Paſtores vero meri ſunt mandatarii et praecones qui jus nullum habent leges condendi vel mutandi, ſed tantum officium eas promulgandi, et earum obſervationem urgendi. Ut principis et praeconis in politicis idem dicitur mandatum, ſed ratione diverſa, illius ut ſanciat et praeſcribat, iſtius vero ut declaret tantum et proponat. Sic in ſacris mandati autoritas eſt a ſolo Deo, promulgatio ſola miniſtris relinquitur. Fruſtra diſtinguitur legiſlator primarius et ſecundarius, quia conſcientia neminem habet inter ſe et Deum, a quo cognoſcatur et judicetur; ut Deo ſoli patet, ita a ſolo Deo poteſt judicari. Et ut nemo ſubordinatur ſponſo erga ſponſam, ita nemo ſubordinari poteſt Chriſto reſpectu autoritatis in conſcientiam, quam ſibi junxit connubio ſpirituali, et in quam ideo jus ſponſi obtinet. Nec hic locum poteſt habere ratio legiſlatorum politicorum qui

AN. To tell you the truth, gentlemen, as I find honesty is expected from me, my ſyſtematical learning was never very keen, and I believe 'tis already grown a little ruſted: yet I muſt acknowledge, now that *Theodulus* rubs up my memory, that I do

qui ſubordinatur Deo ſupremo legiſlatori; magnum enim eſt diſcrimen inter magiſtratum politicum, et miniſterium eccleſiaſticum. 1. Quia reges et magiſtratus ſub Deo ſunt domini propriè dicti, qui poteſtatem habent in corpora et bona hominum, atque adeo poſſunt diſponere de vita et bonis ipſorum: ſed miniſtri non ſic, qui διακονίαν tantum habent, non ἀρχὴν, et quibus propterea jus nullum competit in conſcientiam. 2. In rebus hujus vitae temporalis, dominium non impedit ſalutem, nec nos privat gratiâ Dei; reddit miſeros, ſed non malos, et quod patimur poteſt ſtare cum integritate et bonâ conſcientia; ideo tenemur ſubjici, licèt mandata ſint iniqua et dura. Sed in rebus conſcientiae, quae fidem, pietatem, et Dei cultum ſpectant, nemo poteſt imperium in conſcientiam uſurpare, nec tenemur cuiquam obedire, quia alias obligaretur ad errorem et impietatem, et ſic incurreremus in poenam aeternam, et conſcientiae inficerentur vitiis ſine crimine, quia tenerentur obedire abſolutè ſuperioribus. 3. Sufficit in ordine politico, ut detur obedientia externa licèt non adſit internus conſcientiae aſſenſus, quia autoritas politica reſpicit tantùm bona corpòrea et externa. Sed in rebus fidei et pietatis, conſenſus cordis requiritur, ſine quo nihil poteſt acceptum eſſe Deo. Quamvis ergo detur poteſtas propriè νομοθετικὴ in politicis; non pariter obtinet in eccleſiaſticis. *Id. ib.* Q. 31. § 5, 6.

Licet autoritas quae ſecundum nos competit ſynodis magna ſit, non tamen eſt abſoluta et illimitata, cui nos ſubjicere teneamur caecâ obedientia, et ſine examine, ſed limitata et miniſterialis a duplici conditione pendens; prima eſt ut nihil decidant niſi ex verbo Dei. Altera ut relinquant ſemper libertatem examinis deciſionum ſuarum fidelibus. *Id. ib.* Q. 11. §. 37.

Volunt adverſarii [Pontificii *ſcil.*] Eccleſiam habere vim in ſpiritualibus, ut habent Reges in temporalibus; ita ut ſicut illi poſſunt condere leges civiles, et punire tranſgreſſores civilibus pœnis, ſic eccleſia poſſit condere leges eccleſiaſticas verè obligantes in conſcientia, et poſſit tranſgreſſores punire, ſaltem ſpiritualibus pœnis. Noſtra ſententia diverſa eſt. Negamus enim idem eſſe jus regium et magiſtratûs condendarum legum, et eccleſiae. Nam jus magiſtratûs eſt αὐτοκρατορικὸν, non tenetur reddere ulli praeter quam Deo, et conſcientiae ſuae, rationem legum quas fert. Itaque quae a magiſtratu proficiſcitur, ea demum propriè lex eſt: et magiſtratus in ſcriptura *Dii* dicuntur, qui preſunt eccleſiae non dicuntur *Dii*, nempe ob juris differentiam; Eccleſiae enim eſt docere primum, tum praeſcribere, magiſtratûs alia conditio eſt. Itaque non peccarit magiſtratus ſi legem tulerit cujus nullam reddit rationem, lex modo in ſe juſta ſit. At Eccleſiae diverſa ratio eſt, non enim verae eccleſiae libet leges ferre quarum non reddat rationem. Itaque magiſtratus ſolet inſigniri his titulis in ſcriptura, vocatur *Poteſtas ſuperior*, aliquando *Dominatus*, *Rex*. Eccleſia, et qui praeſunt Eccleſiae non ſolent ornari his titulis. Immò verò Paulus apertè teſtatur ſe non eſſe *Dominum fidei*, hoc eſt, a cujus imperio pendeat fides, quemadmodum in Republica quod hoc vel illum rectè ſit non quaerunt cives aliunde quàm ex lege quam tulit magiſtratus, nihil aliud diſputant apud ſe quàm an ſic conſtitutum ſit a magiſtratu. Sic milites dum parent Duci, aut Imperatori, non quaerunt in materia mandati rationem juſtitiae, aut aequitatis aut prudentiae, ſatis eſt ſi ſciant mandatum profectum eſſe ab imperatore. Eccleſia non ſic agit, non enim dominatur cleris, nec agit

do remember ſomething of a pother made by our divines, about eccleſiaſtical laws not binding the conſcience, and a difference ſtated by them, between the authority of the church and the ſtate, and, I frankly acknowledge, that I have avoided engaging in this argument, not only from the conviction I now have, that unlimited obedience in every thing is not due even to the civil magiſtrate, but likewiſe from a ſuſpicion that even, altho' it were, there could be no juſt inference drawn from civil to eccleſiaſtical authority.

Th. If

git cum iis quos Chriſtus redemit ac ſi non poſſent capere quid ſit religioſum, quid minus.--- Eſt quaedam in terris authoritas ejuſmodi quae in certo quodam genere non tenetur reddere rationem praeceptorum, ſed et eſt authoritas in terris ejuſmodi ut teneatur rationem reddere: ut verbi gratiâ ſi res agatur non modò frivola, ſed etiam iniqua, tamen ſi pater praeſcripſerit aut magiſtratus, faciendum id eſt, etiamſi id frivolum ſit et iniquum: *iniquum* autem dicimus non quo proximo infertur damnum, aut gloriae Dei aliquid detrahitur, nam in hoc genere nemini parendum eſt, ſed *iniquum* quo nobis detrimentum adfertur. Sed et eſt authoritas in terris, qualis eſt authoritas eccleſiaſtica quae tenetu rreddere praeſcripti rationem (id quod ſupra monuimus) praeſcripti, inquam, quod non eſt in verbo Dei niſi in genere, non in hac aut illa ſpecie, &c. *Camer. Prælect. de Eccleſia. Controv.* 2.

Poteſtas eccleſiaſtica diſtincta eſt a politicâ. Politica eſt αὐτοκρατορικὴ, qualis Dominorum, Eccleſiaſtica miniſterialis, qualis Oeconomorum. *Pict. Theol. Chriſt. L.* 13. *Cap.* 11.

L' Egliſe peut nous preſcrire trois divers ordres de devoirs. Les premiers ſont ceux que Dieu exige expreſſement et formellement dans ſon Ecriture, et à cet égard l' Egliſe ne fait que nous propoſer ce que Dieu ordonne. Elle ne fait pas l' office d'un Legiſlateur, elle fait ſeulement celui d' un Heraut, d' un Crieur public. Les ſeconds ſont ceux que Dieu recommande à la verité, mais qu' il ne recommande pas expreſſement, et en autant de mots. Il faut les deduire par de longs raiſonnemens, des principes que la parole de Dieu nous fournit, et à cet egard l' Egliſe fait l' office, non d' un Legiſlateur, mais d'un docteur. Enfin les derniers ſont ceux qui conſiſtent en des actions indifferentes de leur nature, et que Dieu a laiſſées à notre liberté, ſans nous en donner aucun commandement particulier. Neantmoins l' Egliſe trouve à propos de les commander, ou de les defendre, jugeant neceſſaire d'en uſer ainſi pour établir l'ordre, et pour éviter confuſion.---- La queſtion ſe reduit au troiſieme ordre de devoirs. On peut remarquer trois divers degrés dans la ſoûmiſſion qu'on peut avoir pour ces reglemens de l' Egliſe. Le premier et le plus foible de tous, c'eſt de proportionner l' obeiſſance aux raiſons ſur leſquelles l' Egliſe fonde ſes reſolutions, en ſorte que ſi on trouve que l' Egliſe a de bonnes raiſons, on ſoit prét à lui obeir, et qu'au contraire on ne faſſe aucun ſcrupule de mepriſer ſes decrets, ſi elle n' a aucune raiſon pour les faire. Le ſecond eſt de lui obeir ſans avoir égard à ſes raiſons, mais en ſorte qu'on n'obeiſſe que lors qu' on ne peut y manquer ſans faire paroitre du mépris pour ſon autorité, ou ſans ſcandaliſer nos prochains. ------ Nos Theologiens ne ſe contentent pas de ce premier degré de ſoûmiſſion, et veulent qu' on y ajoûte au moins le ſecond, je veux dire qu' on obeiſſe a l' Egliſe toutes les fois qu'on ne peut lui deſobeir ſans faire voire qu'on mepriſe ſon autorité, ou ſans donner quelque ſcandale à des foibles. Un petit nombre de nos docteurs,

TH. If you will allow me to rub up your memory a little farther, I hope it will be no diſadvantage to *Philarchus*, who is often a judge in a *Proteſtant* church judicatory, and who is made to believe that the conſtant doctrine of the Proteſtants upon this ſubject is only the doctrine of *Independents*. You know, *Andropodius*, that the very thing to which *Proteſtants* have imputed that groſs and dreadful corruption of Chriſtianity, ſo juſtly called *Antichriſtianiſm*, is the fatal miſtaking of *eccleſiaſtical authority* for ſomething of the ſame kind with *temporal rule*, or the authority of the civil magiſtrate. This is an error which worldly men eſpecially, when in eccleſiaſtical offices, are at all times, and in every church, extremely apt to fall into. Even in the days of the apoſtles, this *Myſtery of Iniquity did already work*, and in the 4th, 5th, and following centuries, exerted itſelf with ſo much energy, that even then it was obſerved by Hiſtorians,

teurs, et generalement tous ceux de l' Egliſe Romaine, vont beaucoup plus loin, et veulent qu'on ajoûte le troiſieme degrê de ſoûmiſſion a ces deux que j' ai indiqué. Ils diſent qu'on doit obeir toûjours, et en toute ſorte d'occaſions, auſſi bien lors qu' on auroit de bonnes raiſons qui porteroint a deſobeir, que lors qu' on n'en a aucune et qu' en peche ſi on ne le fait. La plus forte raiſon qu'ont ceux qui ſoûtiennent ce ſentiment, c'eſt qu'on ne peut nier que nous ne devions obeir de cette maniere aux loix de l' Etat, et generalement aux ordres de nos ſuperieurs temporels. Pourquoi donc ne devrions nous pas avoir la même ſoûmiſſion pour nos ſuperieurs Eccleſiaſtiques, a qui Dieu nous a commandé d' obeir auſſi bien qu' aux autres? Mais il y a une tres grande difference entre ces deux ſortes de ſuperieurs. Les premiers ſont nos maitres, et ont droit de nous commander abſolument, au lieu que les ſeconds ne l' ont pas. C' eſt Jeſus Chriſt lui même qui fait cette diſtinction. *Luc.* xxii. 25. 1 *Pet.* vi. 2, 3. Il n' y a donc point de conſequence à tirer de l' une de ces puiſſances à l'autre, puis qu'en effet l' Ecriture y met à cet égard même une ſi grande difference, &c.--- M D. reprend trois choſes dans le matiere de ce chapitre. Il trouve I. que j' abaiſſe trop le pouvoir des Eccleſiaſtiques, &c.---- Si je me ſuis égaré ſur le premier, je l' ai fait en bonne compagnie. Je n' ai rien dit que tous nos Theologiens n' aient dit avant moi. I'en exceptè ſeulement *Sanderſon*. C' eſt au moins le ſeul de ceux que j' ai leus, qui ait mieux aimé ſuivre en ceci l' Egliſe Romaine que la Proteſtante. Il faut ſavoir en effet que depuis la Reformation, ç' a été toûjours une controverſe particuliere entre l' Egliſe Romaine et la nôtre, ſi les loix de l' Egliſe obligent la conſcience hors de cas de mépris et de ſcandale. L' Egliſe Romaine s' eſt declarée pour l' affirmative, et les Proteſtants, tant Lutheriens, que Reformés, pour la negative. Si on en doute, qu' on prenne la péne de lire. *Bellarmin de bonis operibus in particulari* lib. 2. cap. 6. Et les freres *Valemborch*, tom. 1. page 183. et tom. 2. p. 187. parmi les Papiſtes, et parmi les noſtres, le ſupplement de *Chamier*, pag. 375. *Rivet Sommaire des controv.* Trait. 2. queſt. 8. *Meſtrezat de l' Egliſe*, pag. 676. *les Theſes de Saumur*, tom. 1. diſp. 1. Ce n' eſt pas tout. *La Confeſſion de foi des Egliſes Reformées de France* eſt expreſſe ſur ce ſujet. Voyés l' article 33. Ainſi ſi j' ai excedé à cet égard je ne l' ai fait qu' avec toutes les *Egliſes* Proteſtantes. *Plac. Traité de la Conſc. Liv.* 1 Ch. 10.

ſtorians, that the four firſt general councils, or rather thoſe that were called and received as ſuch, had ſupplanted the four Evangeliſts, and drawn to themſelves that regard which is only due to the inſpired writings. What the effect of this came, by degrees, and at length, to be, *when that wicked was fully revealed*, is ſo notorious, and has been ſuch a reproach to Chriſtianity, that I need not purſue the progreſs of it any farther. In order to guard againſt the ſame fatal conſequences, Proteſtant divines have endeavoured to aſſign the juſt bounds of eccleſiaſtical authority, and have ſhewn that, as 'tis the conſciences of men with which it has chiefly to do; ſo 'tis by the means of inſtruction and perſuaſion, not by force or violence, that theſe conſciences are to be governed; that if mens underſtandings are not firſt convinced of the lawfulneſs of an action which they are required to perform, it can ſerve no purpoſe truly ſpiritual or eccleſiaſtical, to enforce the mere external act by worldly terrors or other motives of that kind; that Chriſt's *kingdom is not of this world*, nor partake of the nature of temporal rule or dominion; that its laws are directed to mens hearts and conſciences. *The kingdom of God muſt be within us*, or it has no exiſtence at all. The ſanctions of its laws, as ſuch, are not temporal rewards or puniſhments. Its *weapons are not carnal*, nor do Chriſt's *ſervants fight for him* in a literal or carnal ſenſe, nor ſhould they, as officers in his kingdom, have recourſe to ſuch methods as cannot reach the conſciences of his ſubjects, and ſo muſt fall quite ſhort of any ſpiritual end in view under his ſpiritual government.

For this reaſon Proteſtants have thought it neceſſary to diſtinguiſh between what are Chriſt's own laws, and what is left undetermined by him. Thoſe who will not admit any of the firſt, or who refuſe ſubjection to them, the church does not force by temporal puniſhments to the external performance againſt the declared conviction of their own mind; for this, inſtead of being acceptable to our ſpiritual king, would be deteſtable in his eyes; but uſes the proper means of reproof, admonition and inſtruction, to ſatisfy their conſciences of the will of Chriſt. And if they obſtinately reſiſt all the means of this kind, it is then the duty of thoſe officers whom Chriſt has ſubſtituted to govern his kingdom in ſubordination to himſelf to cut them off, not from any temporal emoluments, at leaſt directly and immediately, but from the ſpiritual priviledges which are peculiar to his ſubjects, and in proportion to the degrees of their infidelity or obſtinacy to ſeparate them partially or entirely from the ſociety of his members. As for ſuch things as are left undetermined by Jeſus Chriſt, the bulk of Proteſtants, (I will not except the whole

church of *England*, but only the higheſt Prelatiſts) have always maintained that Chriſt has not left an authority with any of his ſubordinate officers to determine them authoritatively, ſo as to bind the conſciences of his ſubjects, and if their refuſal to obey them does not proceed from a contempt of that authority which Chriſt has inſtituted, but from an apprehenſion of ſuch determinations being contrary to *his* will, they are expreſly commanded to receive them, notwithſtanding any ſuch ſmaller differences as are confeſſed on all hands to be conſiſtent with their being *received* or accepted by himſelf.* For as all the proceedings of church judicatories are carried on in the name and by the authority of the Lord Jeſus Chriſt, I would not chuſe to run the riſk of that court, or of that member of it, who had excluded from any eccleſiaſtical priviledge a real member of Jeſus Chriſt, for any thing wherein he was accepted by Chriſt, or for a ſcruple that Chriſt will not condemn him for.†

The caſe is quite otherwiſe in civil government. Magiſtrates have a power not only to enforce obedience to the laws of God, but even to make laws of their own, and to determine things that are in their own nature indifferent authoritatively, ſo as that after ſuch determination, it is a ſin for ſubjects to refuſe obedience to them. *Not only for wrath*, ſays the apoſtle, *but alſo for conſcience ſake.*‡ So different is his language with relation to civil and eccleſiaſtical matters.

There is one circumſtance which, if rightly attended to, may ſerve to confirm all this, and to ſhow that eccleſiaſtical cenſures ought to be limited to the breach of Chriſt's laws, while civil puniſhments cannot be denied to be juſtly inflicted on the contraveeners of the magiſtrate's laws, and that church authority has the conſciences of men for the ſubjects of it, and does but involve itſelf into inextricable labyrinths whenever it ſtretches itſelf beyond its proper ſphere. It is this: that a cenſure once inflicted by a church judicatory cannot regularly be taken off again, without a confeſſion of guilt, and a profeſſion of repentance: whereas in the caſe of a tranſgreſſion of the magiſtrates laws, the mere external inflicting of the puniſhment threatened, be it a pecuniary fine, or a corporal puniſhment, or whatever be the ſanction of the law, is always regarded as a ſufficient expiation of the crime committed, and the criminal is not ſo much as aſked what ſenſe he has of the evil he has been guilty of, excepting perhaps in ſome few caſes where an acknowledgment is a part of the ſentence, eſpecially of commiſſariot courts, the remains of eccleſiaſtic practice in courts of an eccleſiaſtic original; and

* Rom. xiv. † See verſe 3, 4, 6, 9, 10, 13, 18. ‡ Rom. xiii. 5.

and even in theſe caſes it is to the party offended, not to God, that the acknowledgment is appointed to be made. But in church diſcipline it would be an abſurdity, ſuppoſe a private Chriſtian were ſuſpended from the ſacraments, or a miniſter from the exerciſe of his office, to reſtore either the one or the other to the full priviledges of their reſpective ſtations, till once they were brought to a ſenſe of the evil they had committed, and pretended at leaſt a diſpoſition to abſtain from it in time to come. Becauſe impenitence in the ſight of God and the church is the groſſeſt of all ſcandals, and a diſpoſition to commit the ſame crime. being habitual, is, in a religious account, iucomparably beyond any ſingle act. And however the civil magiſtrate may be ſatisfied with external compliance againſt the declared opinion of the mind, yet the King of the church is but abuſed and affronted with any obedience where the heart does not concur. And therefore the ſubordinate officers, acting in his name, cannot accept of any thing leſs than a profeſſion of this.*

§ 3. Such an impreſſion of all this have many on your ſide of the queſtion, that they inſiſt for the ſame acknowledgments from Mr. *Gilleſpie* on this occaſion, as if he had been guilty of theft or adultery. The author of a pamphlet lately come to my hand, who ſeems to be the moſt thorough High-church-man I have yet met with in this affair, ſpeaks of it as the groſſeſt abſurdity to "reſtore Mr. *Gilleſpie* to his miniſtry without acknowledging his "fault or promiſing amendment.†" And indeed he is ſo far right, that it was undoubtedly wrong *eccleſiaſtical* diſcipline to put any one in the ſituation Mr. *Gilleſpie* is now in, unleſs it had been right to inſiſt upon this. But I miſtake you very much if it would not be a piece of injuſtice to the moſt part of you, if I ſhould conclude you to be all equally unrelenting. Pray tell me *Andropodius*, will nothing ſatisfy you but an acknowledgment of a fault, and a promiſe of amendment?

An. I aſſure you, Sir, a very ſmall acknowledgment would ſatisfy me.

Th. I have heard a great many of you expreſs yourſelves to the ſame purpoſe. And I would fain hope that a due reflexion on this very way of ſpeaking may help to make you ſenſible that you

* Sufficit in ordine Politico ut detur obedientia externa licèt non adſit internus conſcientiae aſſenſus, quia autoritas politica reſpicit tantum bona corporea et externa, ſed in rebus fidei et pietatis conſenſus cordis requiritur, ſine quo nihil poteſt acceptum eſſe Deo. *Turet. ut ſupra.*

† The general aſſembly vindicated, p. 29.

you are out of the road of true eccleſiaſtical diſcipline. This ranting writer who ſticks at nothing, and goes thorough ſtitch with the ſcheme, is a great deal more conſiſtent. Is it for rebellion againſt Chriſt, or yourſelves only that you have depoſed Mr. *Gilleſpie*? If for the firſt, no acknowledgment *ought* to ſatisfy you but a confeſſion of ſin, a profeſſion of ſorrow for it, and reſolution to forſake it. And without all peradventure you would betray the honour of Chriſt if you reſtored him to the exerciſe of his office without an explicite renunciation of the error he has embraced, and a confeſſion of the ſinfulneſs of his conduct, not indeed in acting agreeable to the views he had, but in that ſlothfulneſs or prejudice whereby he muſt have been led to have ſuch views. If it be only for a rebellion againſt yourſelves, how come you to act in Chriſt's name when you are not executing his laws, and when diſobedience to you is no rebellion againſt him? In a word, to exerciſe *eccleſiaſtical* authority, which is the authority of Chriſt, and to make uſe of *his* name, and inflict *his* cenſures, for procuring obedience to *your own* laws and ſupporting *your own* authority, abſtracted from his, is to ſet up *another* authority in *his* kingdom, different from, and equal, if not paramount to *his*, which is an uſurpation that, however different in degree, is of the very ſame kind with that of *Antichriſt*.* And let me tell you, that *Antichriſtianiſm* is by no means to be confined to the ſee of *Rome*, but is always working in the church, in very different degrees indeed, and in all the various periods of time. ‡

AN.

* Mais, dira-t-on, quelle que puiſſe être l' autorité de l' Egliſe, il eſt toûjours vrai de dire qu' elle en a quelqu' une. Il eſt certain en deuxiéme lieu que cette autorité s' exerce principalement dans les reglemens qu' elle fait ſur les choſes indifferentes. Eſt ce donc reconnoitre cette autorite que de ne pas faire ce qu' elle ordonne? Ie réponds qu' en ces occaſions il arrivera infailliblement de deux choſes l' une, ou que l' Egliſe fera ſon Devoir, ou qu' elle ne le fera point. Si elle le fait, et ſi elle ſe contient dans les bornes que Dieu lui a preſcrites elle ne pretendra point obliger hors des cas de mépris et de ſcandales ceux à qui elle propoſe ſes reglemens, et par conſequent ce ne ſera pas aller contre ſon intention, ce ne ſera pas lui deſobeir, que de faire le contraire, lors qu' on a de bonnes raiſons de le faire. Si elle ne ſe renferme pas dans ces bornes, et ſi elle a deſſein d' obliger abſolument ſes enfans, elle excede, et en ne lui obeiſſant pas, cette deſobeiſſance ſe terminera a elle ſeule, et ne rejaillira pas ſur Dieu, cette autorité qu' on ne reconoit pas étant autorité uſurpée, et n' etant nullement emanée de Dieu. *Plac. de la Conſc.* L. 1 Ch. 10.

‡ Quum ſervandi perdendique poteſtatem cum legiſlatoris officio conjungit ſignificat totam Dei mageſtatem ad ſe rapere eos qui ſibi jus ferendae Legis vendicant. Atqui tales ſunt qui ſuum nutum aliis ingerunt pro lege. Meminerimus autem non de externa politia hîc agi, in qua locum habent magiſtratus

AN. All that you can infer from hence is only, that I and many others who are perhaps the bulk of thoſe who are on our ſide of the queſtion, are moderate even to an inconſiſtency. Would you be better pleaſed with us, *Theodulus*, if we ſhould all go the length of the author you have mentioned?

TH.

ſtratuum edicta aut leges, ſed de ſpirituali animae regimine, in quo ſolum Dei verbum dominari convenit. Unus ergo Deus eſt, qui ſuis legibus conſcientias jure ſubjectas habet: quemadmodum ſolus animae ſalutem vel interitum habet in manu ſua. Hinc conſtat quid de humanis preceptis ſentiendum ſit, quae conſcientiis laqueum neceſſitatis injiciunt. Modeſtiam in nobis deſiderant quum papam vocamus Antichriſtum, qui tyrranidem in animas exercet, ſe legiſlatorem faciens Deo aequalem. Atqui ex hoc loco longè plus colligimus: Antichriſti ſcilicet membra eſſe qui tales laqueos ſponte induunt: et Chriſto catenus renumciare dum illi non hominem tantùm mortalem ſed qui ſe adverſus eum extollit aſſociant. Eſt inquam praevaricatrix obedientia, et quae diabolo exhibetur, dum alium admittimus ad regendas animas legiſlatorem quam Deum. *Calv. in Jac.* iv. 12.

Some power the church hath in rites of decency and expediency and order, by virtue of that general canon, 1 *Cor.* xiv. 40. (tho' that text carries the face of a *reſtraint* rather than an *allowance*, and doth not ſo much *enlarge* as *moderate* church power, as I have elſewhere cleared): but in the main matters, the church can only *declare laws*, not *make them*; and tho' in matters indifferent, ſhe can direct what is ſuitable to order and decency; yet theſe directions ſhould be ſo managed, that they do not take away ihe nature of the thing; and tho' Chriſtian liberty be reſtrained, it muſt not be infringed. It is the injury of Antichriſt to uſurp an authority over the church of God, and this is the very ſpirit of Antichriſtianiſm, to give laws to the conſcience. The ſetting up another lawgiver is properly Antichriſtianiſm, for then there is one head ſet up againſt another, and human authority againſt divine. It is *Paul*'s character of Antichriſt, 2 *Theſſ.* ii. 4. That he as God ſitteth in the temple of God, that is, making himſelf abſolute lord of conſcience, bringing them to his obedience, working them to his advantage. *Manton on James*, p. 497.

Ay, but (ſays he) it was an apparent breach of the divine law, upon which we ſeparated from the church of *Rome*: why, ſo ſay the diſſenters: It is an apparent breach of the divine law, upon which we ſeparated from the church of *England*. Ay, but (will he ſay) you ought to have truſted wiſer men than yourſelves, and not, like the antipodes, to have run upon your heads. Oh! but then comes in the *Romaniſt*, and falls upon his bones. *You ought to have truſted wiſer men than yourſelves*, your ſuperiors in the church from whom you ſeparated, and not to have run upon your heads: Nay, replies he, but we have a *judgment of diſcretion*, and ought to be *maſters of our own reaſon*, ſo far as to take *cognizance of our own acts*: Well, the Nonconformiſts catch that word by the end, before it be well out of his mouth; we are for a *judgment of diſcretion* too, and ought ſo far to be maſters of our own reaſons, as not to act againſt them. Nothing can be returned that I can foreſee, but that it is not for ſuch pitiful ſneaks as the Diſſenters to talk of *conſcience* and a *judgment of diſcretion*, it is enough for the *Gen d'arms* of reaſon to make uſe of that plea againſt *Rome*. *Alſops Melius inquirendum*, p. 2. ch. 2.

Let men turn and wind themſelves which way they will, by the very ſame argu-

TH. Even this, Sir, ſo far as I have yet opened his ſcheme, would not make you conſiſtent. For, the moment you take up the matter on this footing, you'll find that, to be conſiſtent, it will carry you a great deal farther than perhaps you are thinking of. As for the author I have quoted, I will not indeed pretend to ſet any bounds to him that are ſhort of *Rome* itſelf. I confeſs he has, of his own accord, already gone all that length, the very proſpect of which, I imagine will yet have an effect upon you. "And this," ſays he, "being a principle you have ado-"pted, I mean, to ſet up private judgment in oppoſition to the "authority of the church" [Pray gentlemen, where are we? Is not this the very principle from which we have the denomination of Proteſtants? but he goes on.] "It is plain, that the aſſembly, "for the ſafety of the conſtitution, are obliged by the authority "delivered to them by Chriſt, to execute the cenſure juſtly de-"ſerved by men, whoſe principles tend to the deſtruction of that "beautiful order eſtabliſhed by the Lord in his houſe *." Now, if you have a mind to follow this writer, and to conſider Mr. *Gilleſpie* in the ſame light with other breakers of Chriſt's laws, I hope you will not any longer deny, that your plan is the ſame with that of the *Bartholemew* act in 1662. and that you deſign to go on with the depoſing ſcheme, ſweeping us off by hundreds, till you have not left one that will dare *to ſet up private judgment in oppoſition to the authority of the church*. For, ſays he a little before, "if any particular perſons preſume to ſet up "their own private judgment in oppoſition to the ſupreme au-"thority of the church, they are juſtly to be reckoned as ſo ma-"ny popes, invaders of the rights, and underminers of the con-"ſti-

arguments that any will prove ſeparation from the church of *Rome* lawful; becauſe ſhe required unlawful things as conditions of her communion, it will be proved lawful not to conform to any ſuſpected or unlawful practice required by any church governors upon the ſame terms, if the thing ſo required be, after ſerious and ſober enquiry, judged unwarrantable by a man's own conſcience. *Stillingfl. Irenic.*

The eſſence therefore of Popery does not properly ſtand in the many errors of that party; nay, nor in the groſs idolatry itſelf, which are all but the natural effects and conſequences of ignorance and blind devotion. But the very ſoul and ſpirit of it conſiſts in a pretended infallible juriſdiction over the reaſon and conſciences of men, and is exerted and diſcovered by the arbitrary, tyrrannical and unchriſtian methods of force and cruelty. And therefore if we may be allowed to adapt words to things, and denominate perſons by names that moſt properly belong to them, we are obliged to conclude that all theſe are really *Romaniſts* in the worſt as well as in the moſt eſſential part of Popery where ſuch principles and practices prevail, let the ſociety be otherwiſe what it will. *Fleeming's Dedication of his Chriſtology.*

* p. 29.

" ſtitution of the church †." And therefore he frankly owns it to be his ſcheme, to rid the church at once of men who preſume to hold principles, which I have hitherto, in my great ignorance it ſeems, taken for *Proteſtant* principles. " It is, ſays " he, to preſerve the conſtitution, by turning men of ſuch tur- " bulent humours, and anarchical principles out of the church, " that they may be able to do no more harm in it ‡." And he ſeems already to triumph over his ejected brethren, and to inſult them in the poverty and other hardſhips, which he has in his own imagination reduced them to. For thus he goes on in the next page, " If it be your choice to caſt yourſelves upon the " publick charity, or earning your bread by your own labour, " (for which," he adds, to give us ſome ſmall comfort, " there " never was greater encouragement in *Scotland* than at preſent) " rather than to enjoy your benefices under the happieſt conſti- " tution in the world, and in as happy a period as ever our " church ſaw; much good may it do you ‖." But that we may not be too much elated with the preſent encouragement there is for induſtry, he concludes the paragraph in theſe words: " And ſad will the caſe be, if poverty, hard labour, and a bad " conſcience meet together."

Such a writer as this who ſcorns to ſhuffle or go about the buſh, I take to be of great uſe to ſhow people what their ſcheme really is, and what are the conſequences it muſt naturally lead them too. For my part I wiſh you would all read his performance, being confident that it would make more converts than I am capable of doing; knowing how many gentlemen there are of your way of thinking whoſe real humanity, charity and good nature, would never ſuffer them to proſecute a plan that would lead them into all the conſequences that ſeem to recommend it to this author. I do not take many of you to be admirers of the *Bartholomew* act. And yet, if you'll take the trouble to apply this gentleman's reaſonings, or the reaſons of diſſent from the commiſſion, or any of the arguments commonly uſed on your own ſide of the queſtion to that fatal cataſtrophe of ſerious religion in *England*, and try how they could be anſwered, you would ſave me any farther trouble. And by the by, I muſt communicate to you a fancy that has juſt now come in my head, namely, that the beſt way to end this controverſy would be to publiſh an advertiſement of the following tenor:

" Whereas a queſtion is in agitation among the miniſters of " the church of *Scotland*, upon which, in the apprehenſion of " one of the contending parties, above 2000 of the moſt godly " mi-

† Page 29. ‡ P. 24. ‖ P. 25.

" miniſters that ever *England* was bleſſed with, were ejected out " of the eſtabliſhed church there, about the middle of the laſt " century; and 'tis ſuppoſed that ſuch ejectment will be appro- " ven by none of the contending parties here; the following " method has been deviſed for bringing the preſent controverſy " to an iſſue in a manner that will prevent all perſonal litigation, " *viz.* The eſpouſers of the ejecting plan among us are hereby " challenged to produce one argument in ſupport of their mea- " ſures, which does not equally tend to ſupport the above-men- " tioned ejectment. Let them ſubjoin to every argument they " have hitherto uſed a ſuppoſition of its being applied to the " vindication of the above-mentioned ſeverity, and try what " they themſelves would then think of it, and what they would " have replied to it, had they been then living, and publiſh to " the world the reſult of their meditations, which 'tis hoped will " contain a full confutation of themſelves."

I beg your pardon, gentlemen, if I have done you any injuſtice in ſuppoſing that you would not be much pleaſed to ſee another *Bartholemew* day, and that you have no gout for the univerſal havock which this *Vindicator of the aſſembly* is diſpoſed to make among us. My reaſons for ſuppoſing this, are, in the firſt place, that you do not ſeem yet to have conceived the ſame bad opinion of us all, which this formidable champion has proclaimed to the world. He has indeed taken upon him to look into the very bottom of our hearts, and diſcovered a bad conſcience there, and that nothing but want of power has prevented us from depoſing every one that differs from us. He does not diſſemble that he takes us for a parcel of arrant ſcoundrels, and treats us as ſo many knaves and villains thro' the whole of his performance, as I could eaſily ſhow you, if ſuch flowers were worth the gathering. But as this is a ſort of reaſoning, which I am ſure you will chuſe to leave to the fiſh-mercat, ſo I know there are many among you of more candour than even to admit ſuch uncharitable ideas into your minds, and as long as there are any remains of eſteem, or any good opinion of one another, it is impoſſible that there can be any reliſh for ſuch meaſures.

But in the ſecond place, I have met with a great many of the partiſans on your ſide, who, however keen they are for vindicating the depoſition of Mr. *Gilleſpie*, take it extremely much amiſs to be accuſed, or even ſuſpected of having any univerſal depoſing ſcheme, or thatthey have the leaſt intention to lay pariſhes deſolate by hundreds. Such a publick avowing of this ſcheme, as we have in the *Vindication*, eſpecially if it is not as publickly diſ-

avowed

avowed, not to mention the direct tendency of every argument on your ſide of the queſtion, is too ſufficient a juſtification of any of our brethren who have proceeded upon the ſuppoſition that this is the plan. For my part, I am too well acquainted with the good and humane diſpoſitions of many of you, not to give credit to your renunciations of it.

In the third place, the very conduct of the laſt aſſembly is evidence enough that you are not got this length yet at leaſt. They had ſix delinquents before them, all upon the ſame footing; yet they depoſed only one of them, and their ſparing the reſt, I think, is uſually approven among you, and celebrated as a commendable lenity. But how this can be reconciled with diſtributive juſtice, upon the principles of our high-flying author, is more than I am able to account for. How it can be "plain "that the aſſembly were obliged by the authority delivered to "them by Chriſt to execute a cenſure juſtly deſerved by *men of* "*their principles*." And yet a commendable thing not to execute it, is what I will not pretend to account for. This I ſhall only ſay for myſelf that, had ſix miniſters been convicted of a breach of any of *Chriſt's own laws* that juſtly deſerved depoſition, and obſtinately continued therein againſt all admonition, I would not only have thought the aſſembly obliged to execute the cenſure, but I think I would be very ſparing of my commendations of their lenity in not executing it upon five of them. However 'tis certain, that this lenity of the aſſembly has been celebrated by many who approve of their executing it on the ſixth, of which number I preſume both of you to be.

I have yet a fourth reaſon why I take it for granted that you are not for an univerſal depoſition of us all, and that is, becauſe for the moſt part you ſeem to be aſhamed, I think, of being ſuſpected to lay ſo much ſtreſs upon our *opinion* in the matters diſputed between us, as if the bare holding of ſuch opinions was an hereſy for which we deſerve to be depoſed. I muſt however upon this, as almoſt upon every occaſion, except the aſſemblies vindicator. He indeed declares, that *men of ſuch anarchical principles ought to be turned out of the church*, and thinks *the aſſembly obliged to execute a cenſure juſtly deſerved by men of our principles*. Whether any of you will think it worth your while to diſavow what this writer has ſaid in your defence or no, I aſſure you I do not ſuſpect any of you two of carrying the matter his length. But if I wrong you, I ſhall ſubmit to your correction.

An. Sir, I do not chuſe to anſwer for any other than myſelf. But I take the plan to be that, whatever mens principles are

upon this ſubject, yet when, in any particular inſtance, an order is laid upon a preſbytery, and that preſbytery refuſes to obey it, the aſſembly without enquiring into any man's principles, will do what appears to them neceſſary for procuring obedience to their own orders. When it was found that a rebuke had no effect, they proceeded to depoſe only one out of ſix. If this appears to have as little effect, perhaps they may proceed ſomewhat farther, and make two if not more examples out of as many, or depoſe all without exception who refuſe to obey, but ſtill limiting the cenſure to ſome particular inſtance of diſobedience actually committed. As for any inquiſition into mens ſentiments upon the ſubject, or any univerſally deſolating ſtroke, I dare ſay it is what no body intends, not even the conſiſtent author you have got into your hands. But pray tell me, *Theodulus*, where is our inconſiſtency in all this? And what is the advantage, the high-flying writer whom you have been reading has over us in your apprehenſion, ſuppoſing him to be for an univerſal depoſition of you all at once? for I confeſs I have not yet been able to perceive it. May it not be a right thing to puniſh a crime when it is actually committed, and yet, at the ſame time, a wrong thing to inflict any puniſhment upon a man that has not committed it, merely for his ſentiments concerning it?

§ 4. PH. There is nothing more ordinary, Sir, in all governments. You remember the hot diſpute there was ſome years ago about extending the exciſe, when a bill for that purpoſe was brought into parliament. There were many at that time, perhaps the moſt part of the nation, who both in parliament and out of it, declared their opinion of that being a wrong regulation as loudly as any of you have done with relation to violent ſettlements. Now ſuppoſe that regulation had been enacted, do you think the government would have proſecuted any man for the mere opinions that many would no doubt have continued to hold about that matter? And yet, at the ſame time, do you think that they would have ſuffered any of their ſubjects to ſtrike out againſt ſuch a regulation in fact, when once it was enacted? I was one of thoſe that oppoſed its being turned into an act with all the zeal I was capable of. And very poſſibly my opinion would not have been a whit altered, tho' the oppoſition had failed of ſucceſs. In that caſe I own I would have thought myſelf very tyrannically uſed, had I been puniſhed merely for my ſentiments upon that ſubject. And yet it would never have entered into my head that this private opinion of mine was to

be

be accepted by the government, as an excuſe for my refuſing to ſubmit to the regulation.

Th. I am glad you have mentioned this. For as theſe are, I believe, the ſort of examples that miſlead you, ſo I hope they may contribute to ſet you right again. But before I point out to you the principal difference which the particular branch of our ſubject that is now under our conſideration, *viz.* the nature of *eccleſiaſtical* government, ſuggeſts, allow me, *Philarchus*, to aſk you one queſtion. As the exciſe ſcheme, in fact, did not take place, and the ſentiments of the majority of the nation did ſo far prevail that the regulation intended was not enacted by the legiſlature, how would you have taken it, had the executive part of the government inſiſted at the rights upon your ſubmitting to that ſcheme, and the houſe of Peers upon an appeal had, in their executive capacity, enforced that regulation upon you, under no leſs a penalty than the forfeiture of your whole freehold? I have heard a ſaying of an eminent judge in *England* who was involved in a conteſt with the houſe of commons. Some body aſked him: *Will you pretend to fight with the houſe of commons?* To which he replied: *Give me the law on my ſide, and I'll fight king, lords, and commons.* The aſſembly, how often ſo ever a prevailing party has, of late, diſcovered an inclination to graſp at the whole legiſlative power, does not yet pretend to be actually poſſeſſed of it. How fond ſoever that party may be of violent intruſions, they have never yet got them authoriſed by an act paſſed with the requiſite forms. On the contrary I believe they will be ſo far from attempting this, that they cannot refuſe the contrary to have been, and ſtill to be the principle of this church. And you know an attempt made about twenty years ago, being but ſuſpected to have a tendency this way, met with ſuch an oppoſition that it failed, and ſhowed what reception a more open attempt of that nature would be expoſed to. What do they do then in this caſe? What they cannot effect in their *legiſlative* capacity, they attempt to accompliſh in their *executive*, and that by a higher penalty than, in all probability, they would have propoſed as the ſanction of any law. Sir, the greateſt favourers of government, do freely allow of *reſiſtance* in ſuch a caſe. * And the rather that 'tis a direct breach of the conſtitution in one of the moſt important parts of it, *viz.* the executive power invading and, without conſent, uſurping what is

* Si Rex partem habeat ſummi imperii, partem alteram Populus aut Senatus, regi in partem non ſuam involanti, vis juſta opponi poterit, quia eatenus imperium non habet. *Grot. de jure Bel. ac Pacis*, l. 1. c. 4. § 13.

is in effect the whole power of the government. So that altho' the parallel were ſuppoſed to hold univerſally, and in all reſpects between civil and eccleſiaſtical government, yet, 'tis certain, that it might eaſily be turned againſt you on the preſent queſtion.

But what appears to me of greater importance to obſerve to you, and what more properly belongs to the branch of the argument we are now upon, is, that a compariſon of thoſe very inſtances in civil government, (let us take for example the one you have mentioned, *Philarchus*) with the particular caſe wherein you think eccleſiaſtical authority ſhould be enforced with the ſame unrelenting rigidity, may make you ſenſible, I hope, of the difference between the two, and that tho' it may be right, nay, an incumbent duty, to ſubmit in the one caſe, it may, for all that, be a ſin to yield in the other, or to inſiſt upon it with an equally high hand.

And the firſt difference that I ſhall obſerve, is, that the one being only a matter of temporal property, there is nothing eſſentially immoral, or intrinſically evil in its being decided either one way or other, at leaſt in our complying with, or ſubmitting to a regulation of one ſort or another; whereas the other having a direct and immediate influence upon the ſpiritual edification or deſtruction of Chriſtians, on the eternal ſalvation or damnation of precious and immortal ſouls, no circumſtance whatever can alter the moral nature thereof. I acknowledge, gentlemen, that I do not expect this argument will have the ſame effect upon you, as I hope it would have, if I had an opportunityto repreſent to you the conſequences that violent ſettlements have upon our people, not only driving them to ſuch as contribute to debauch their minds, and deprave their diſpoſitions, and ſometimes to drive them from the ordinances al together or in a great meaſure, and if they ſtill continue to attend upon them, yet depriving them of being edified thereby, by reaſon of the prejudices they are apt to contract againſt both the intruded and the intruders. Theſe are conſequences which cannot be ballanced by the good effects of ſubmiſſion; for what does the authority of the church ſignify, when true religion is gone? or when it is employed in baniſhing it? In ſhort, the collecting a temporal revenue in this or that method, is a thing that a ſubject may ſubmit to without ſin; but the *deſtroying of them for whom Chriſt died* is quite another thing.

But there is a ſecond difference which I wiſh you would particularly attend to. All that the civil government has in view, and that properly falls within their ſphere, or belongs to their buſineſs is obtained by a punctual compliance with the regulations enacted,

enacted, though this compliance ſhould be only external. Whatever be your opinion of the matter, the end of the government is not at all affected thereby. Provided you pay your quota of the publick revenue, it will ſerve the purpoſe of defraying the charges of the government juſt as well, tho' you ſhould think a it wrong, as if you were ever ſo well ſatisfied of its being a right meaſure. And therefore the civil rulers whatever they may be as men or Chriſtians, yet as magiſtrates, they are not at all concerned with your inward ſentiments upon the ſubject, nor are they obliged by their office to enquire into them. Whereas in the eccleſiaſtical ſociety the caſe is quite otherwiſe. A mere external obedience does not ſerve the purpoſe, or anſwer the end. The obedience that is demanded (if it be to Chriſt the only king, the only commander in that ſociety, to whom, and not to themſelves the rulers are bound to enforce obedience), unleſs it proceed from the heart is utterly an abomination to him. *He that killeth an ox is as if he ſlew a man; he that ſacrificeth a lamb, as if he cut off a dog's neck; he that offereth an oblation, as if he offered ſwine's blood; he that burneth incenſe, as if he bleſſed an idol.* Should I, in an immediate act of ſolemn worſhip, in the preſence, in the name, and by the authority of Chriſt, ſet apart one to his ſervice in the miniſtry of the goſpel, and give him a charge to be paſtor of the ſouls of his people, while at the ſame time I am conſcious to myſelf, that I am doing a thing that appears to me ruinous and deſtructive of the intereſt of his kingdom, hurtful to the eternal ſalvation of thoſe ſouls which he prized at ſuch a rate, as to ſhed his precious blood for them, and that by an action that has the face of making proviſion for their ſpiritual edification, how can I expect his acceptance of it, or imagine that it not deteſtable in his ſight? For whatſoever is not of faith is ſin †. So

† See the foot of page 22. Tho' what follows is equally applicable to the whole of the doctrine here inſiſted on, and is not quoted in ſupport of the above paragraph particularly, I wiſh the reader would peruſe it to ſatisfy him, that it is no new, or ſingular, or independent doctrine that we plead.

La *puiſſance eccleſiaſtique* eſt fort differente de la *puiſſance civile*, car c'eſt une puiſſance *ſpirituelle*. La *regle* de cette puiſſance, ou de cette police eſt *la parole de Dieu*; elle s' exerce au nom de Jéſus Chriſt. Elle a pour object *la conſcience* et l'homme intérieur; les armes de cette puiſſance ne ſont point charnelles. L' egliſe ne condamne perſonne, ni à une amende pécuniaire, ni a la mort. Elle cenſure ſeulement, elle enſeigne, elle prive de l' uſage des ſacremens, elle ſepare les pécheurs de la communion extérieure des fideles. La matiere, ſur laquelle *la police civile* s' occupe conſiſte dans des choſes purement temporelles, comme ſont les biens qu' on apelles de *fortune*; mais la puiſſance de l' egliſe ne s' occupe qu' à l' egard des choſes céléſtes et ſpirituelles;

So different are the provinces of civil and eccleſiaſtical rulers, that with reſpect to the very ſame crimes, which may be the object both of civil puniſhment and of church cenſure; it is only the external act that expoſes one to puniſhment from the magiſtrate; while church rulers are chiefly concerned with the inward temper and diſpoſition of the mind. Tho' a man ſhould maintain, for example, that he does not think adultery a crime, the laws of the land would not take hold of him till once he was guilty of the actual commiſſion thereof; and even then, when once he has ſuffered the penalty decreed by the laws,

elles ; comme ſont les myſtéres du *Roiaume* des cieux, la pratique des vertus Chrétiennes. La *fin* que ſe propoſe *la puiſſance civile* eſt que chacun, ſelon le rang qu' il occupe, jouiſſe des commoditez publiques, que les droits des particuliers ſoient conſervez, et que chacun méne une vie paiſible. Mais la puiſſance eccleſiaſtique ne ſe propoſe point d' autre fin, que l' edification du corps de Jéſus Chriſt, l' etabliſſement du ſon regne, la ſalut des pécheurs, la conduite des conſciences, et la confirmation de la foi des Chretiennes. La puiſſance politique a droit de contraindre, pour faire ce qu' elle veut, mais l' egliſe exhorte ſeulement, ſans contraindre. La *puiſſans politique* fait des loix comme il lui plait, et les change auſſi ; mais la puiſſance de l' egliſe eſt aſtreiente aux loix de Jéſus Chriſt, et elle ne peut ni le changer ni les varier. *Pictet Theol. Chret. liv.* 14. *ch.* 28. On dira, qui' il eſt de même des légiſlateurs eccléſiaſtiques, que des politiques, et que comme le magiſtrats ſont véritablement légiſlateurs, quoi qu' ils ſoient ſoumis à Dieu, les paſteurs peuvent êtere auſſi de vrais légiſlateurs. Px. Mais on auroit tort de parler ainſi ; car il y a une grande différence entre les *magiſtrats* et les *paſteurs*. Dieu a donné aux *magiſtrats* la puiſſance ſur les corps et ſur les biens de ceux qui leur ſont ſoumis ; mais Dieu n' a point donné aux *miniſtres* de droit ſur la conſcience. On peut être ſoumis à une magiſtrat, à l' egard des biens de la vie préſente, ſans être pour cela privé de la grace de Dieu, et du ſalut; mais, dans les choſes qui regardent la conſcience nous ne devons êttre ſoumis qu' à Dieu, parce que ſi nous nous ſoummatons à quelqu' autre qu' a lui, nous ne ſaurions être ſauvez. *Ib. ch.* 31. Quoi que l' egliſe ne puiſſe point faire de loix qui obligent la conſcience, elle peut faire pourtant des canons et des conſtitutions pour conſerver le bon ordre. L' authorite de ces conſtitutions eſt grande dans l' egliſe. mais il s' en faut beaucoup, qu' elles en aient autant que les loix divines. Elles ne ſauroient changer la natnre des choſes, et rendre neceſſaire et indiſpenſable, ce qui eſt de ſa nature indifferednt. Elles n'obligent qu' entant que l' egliſe les aiant faites, on ne pourroit les violer, ou les mépriſer, ſans commetre un ſcandale. L' obſervation de ces conſtitutions ne mérite rien devant Dieu, et on ne péche en ne les obſervant pas, que parce qu' on mepriſe une authorite legitime, et qu' en cela on viole la loi de Dieu, qui ordonne l' obeiſſance aux ſuperieurs. Mais une preuve que ces conſtitutions ſont de leur nature indifférentes, c' eſt qu' il eſt permis à l' egliſe de les changer quand il lui plait, au lieu qu' elle ne ſauroit commander la *paillardiſe* et le *larcin*, parce que ces choſes ſont de leur nature mauvaiſes. Il y a même des occaſions ou il eſt permis de ne ſuivre pas les conſtitutions de l' egliſe, comme ſont ceux qui ne peuvent jeuner dans les jours que l' egliſe a marquez pour une jour de jeûne. A l' egard de ces canons et de ces conſtitutions il faut que l' egliſe prenne garde qu' elle ne s' aviſe pas d'en faire ſur des choſes qui ne ſont pas indifferentes. *Ib. cb.* 32.

laws, the civil magiſtrate has no more to ſay to him, nor enquires into the ſentiments of his mind concerning the matter; whereas the church, which has for the object of its concern the conſcience and inward man, and whoſe buſineſs it is to procure obedience to Chriſt, who will have it from the heart or none at all, ought to deal chiefly with the heart and the conſcience, not by carnal weapons indeed, outward violence, or temporal motives, which can have no effect upon ſuch an object, but by means more ſuitable for the purpoſe. Inſomuch that, ſhould a profeſſed ſubject of Chriſt openly declare a diſpoſition to commit adultery, and maintain that he has no ſcruple to indulge it, as this would be as directly inconſiſtent with his profeſſion of Chriſtianity, nay, more ſo, than any ſingle act can be; ſo where ever church diſcipline flouriſhes in any ſort of vigour, it would take hold of ſuch a character without waiting for the actual commiſſion of the crime; nor would a ſubmiſſion to any the moſt grievous mortification avail with church rulers, who underſtood and executed the proper buſineſs of their office, for the abſolution of ſuch a perſon, without his expreſſing an inward deteſtation and abhorrence of the crime.

If you would conſider the matter, *Andropodius*, in this light, you would ſoon be made ſenſible of the advantage which the honeſt high-church-man we have been ſpeaking of, and all the high-flyers who carry the matter his length, have over you who keep within any bounds of ſobriety. And try it when you will, gentlemen, you'll find that if *your* laws are to be put on the ſame footing with thoſe of *Chriſt*, there can be no conſiſtency, nor will it be in your power to ſtop 'till you arrive at *Rome*. You muſt either go quite throw with the ſcheme, and cut us all off at once, as was done in *England* on the famous *Bartholomew* day, and own with our conſiſtent Vindicator, that *all who maintain ſuch anarchical principles as ours ought to be turned out of the church*, or give up any pretenſions to conſiſtency. If ſix miniſters had appeared at the bar of the aſſembly for acknowledged adultery, and both they and hundreds of others had openly avowed the lawfulneſs of it, and inſiſted for liberty to indulge themſelves in the habitual practice of it, would any body that had a mind to make a panegyrick on the aſſembly, boaſt how eaſy they had been to ſuch men, or ſpeak of it as commendable moderation to ſuffer them to avow their principles as long as they abſtained from the actual commiſſion of the crime which they aſſerted in the face of the aſſembly their diſpoſition to commit upon every occaſion that might happen to occur? It is not only Mr. *Gilleſpie*, it is not only the preſbyteries of *Dumferline*, *Lin-*

Linlithgow, *Perth*, *Biggar*, &c. but in all corners of the church there are miniſters, elders, and private Chriſtians ready to make the moſt publick and avowed profeſſion of the very ſame principles for which, and for acting agreeable to them you have depoſed Mr. *Gilleſpie*. It has been propoſed (and if the high meaſures are ſtill carried on, it may perhaps yet be done) to give in to the aſſembly a ſigned repreſentation of our principles upon this ſubject, for we do not at all conceal or diſſemble them: and if the miniſters whom I have had occaſion to converſe with, can enable me to gueſs at the proportion of the whole, I doubt not but ſome hundreds of their hands might appear at ſuch a paper. Now 'tis certain, that in *foro divino* thoſe who are diſpoſed to commit a crime, and in *foro eccleſiaſtico* thoſe who profeſs or avow ſuch a diſpoſition, are equally guilty and equally ſcandalous, if not more ſo, than ſuch as have only committed a ſingle act of it. Where is the conſiſtency of your conduct then, when you depoſe one for a ſingle act of a crime which I do not ſay only others have been as notoriouſly guilty of, as formally convicted of, whom you allow to enjoy all the privileges of Chriſtians, and to exerciſe all the parts of their office, even to ſit and vote in the ſupreme court itſelf, but which hundreds avow in the face of that ſupreme court their habitual diſpoſition to commit? I do not aſk why you make no inquiſition into the ſentiments of any who incline to conceal them? But in the caſe of an open avowed profeſſion of our ſentiments, even in the ſupreme court, by members of it, how is it conſiſtent with *eccleſiaſtical* diſcipline, or favours of procuring obedience *to Chriſt*, ſuch ſort of obedience as he demands, and ſuch as he has appointed you to enforce with *his* cenſures as miniſters in *his* kingdom, to neglect theſe declared ſentiments, and only to inſiſt that the declarers of them ſhould act contrary to them? and to inflict the cenſures of Chriſt's church upon men who act agreeable to them? If it be conſiſtent with the character of Chriſtians, or of miniſters, to maintain ſuch ſentiments, is it not likewiſe ſo to act agreeable to them? And if it be cenſurable to commit any act of a crime, is it not equally ſo, at leaſt, to avow an habitual diſpoſition to commit it, in a ſpiritual government, where no obedience is accepted by the omniſcient king, but what comes from the heart, and none ſhould be accepted by his inferior miniſters but what is profeſſed to be ſuch?

§ 5. PH. To tell you the truth, Sir, I do not conſider the general aſſembly in the caſes now under conſideration, in the ſame light that you do. When you are exerciſing diſcipline properly

perly ſo called, and judging of ſcandals, or of mens ſpiritual rights, in order to their being admitted to, or excluded from the ſacraments for example, or any privilege that is peculiar to Chriſtians as ſuch, I ſhall allow that it is the conſcience you have then to do with, and perhaps in ſuch caſes, we ſecular folks would leave you pretty much to your own way, or if any of us did intermeddle, very poſſibly we would be obliged to adopt your own ſtile, however much out of the way of our ordinary language. But let me tell you, *Theodulus*, tho' your *kingdom is not of this world*, yet the temporalities of your benefices are. The ſtipends, gleibs and manſes that are annexed by the laws of the land to the ſeveral paſtoral cures of this eſtabliſhed church, are as ſenſible and ſecular things as the rent of my eſtate. And in judging of the diſpoſal of ſuch things, I conſider the aſſembly as a court authoriſed by the laws of the land, which as it muſt take theſe laws for its rule in ſuch matters, ſo you will find it impoſſible to enforce the execution of them without having frequently recourſe to the ſecular methods of ſupporting your authority. While you are acting in a ſecular capacity, and diſpoſing of ſecular concerns, theſe ſecular methods are not at all unſuitable. Your own argument will return upon you, when the circumſtances are ſo ſimilar. For a preſentee, when once he is ordained, will get a charge of horning for the payment of his ſtipend, which will have as good an effect, and the money will go as far in maintaining his family, whether you lay your hand upon him willingly or unwillingly. In theſe ſort of concerns, you act by vertue of an authority derived from the parliament of *Great Britain*. And I really think, that as the parliament has committed to you the execution of a law relating to temporalities, it ſhould likewiſe cloath you with temporal powers for enforcing and compleating that execution. I dare ſay if the general aſſembly would apply for a law to enable them to ſuſpend not only *ab officio*, but likewiſe *a beneficio*, it would never be refuſed. And I am verily perſuaded that ſuch a law would be of great uſe to make the authority of the aſſembly more reſpected.

Th. I muſt really beg your pardon, my dear *Philarchus*, to ſay that what you have juſt now honeſtly confeſſed, opens up to me the true ſource of what I ſhall take the liberty to call our preſent calamities. A great many gentlemen, and particularly ſuch as follow the buſineſs of the law in the ſecular courts, are members of the general aſſemblies. They have not been bred to the ſtudy of divinity. A theological ſyſtem, or other book of that kind, they would be aſhamed, moſt of them, to own that

they had ever looked into. And as for any true Chriſtian diſcipline, however eſſential it really is to the flouriſhing of Chriſt's kingdom in the world, is it not looked upon, my dear Sir, by a great many of you, as an old faſhioned fooliſh cuſtom, the remnant of which that is ſtill left amongſt us, if you ſuffer it to wear out with any decency, you imagine, do'nt you, that you deſerve to be applauded for your complaiſance? And what is it, pray Sir, that you would ſubſtitute in the room of it? Some degree of temporal power. This might poſſibly be highly acceptable to ſome of our brethren who have no reliſh for the true ſpirit of Chriſt's government. And in ſo far as the exerciſe of it is in your own hands, you ſeem to have no taſte for any thing elſe. But do you not ſee where you are driving? And have you never heard of what a ſuperſtructure has been built upon as ſlender a foundation? The truth is, ſpiritual and temporal government are like the iron and clay in *Nebuchadnezzar*'s image, not capable of incorporating. Whenever the laſt is admitted into an eccleſiaſtical ſociety, it will ſoon extinguiſh the other.

I am ſure, *Philarchus*, if you and others who have a ſhare in the civil government of your country, would but attend either to the natural operation, or to the felt and experienced conſequences of temporal power in eccleſiaſtic hands as ſuch, you would not be ſo forward in cloathing with any degree of it thoſe who may (perhaps ſooner than you are aware; for let me put you in mind that profanity and infidelity, which, however much the character of the preſent age, is an unnatural ſtate of mankind, degenerate as they are, have frequently ended in, and indeed are apt to produce ſtuperſtition, which may poſſibly be the character of the next) who may come, I ſay, at length to outſhine in their borrowed ornaments, and eclipſe thoſe who have lent them. Some gentlemen, from a ſuperficial conſideration of objections that are indeed unanſwerable againſt the antichriſtian hierarchy, have been led to look upon the ſpiritual government and chriſtian diſcipline of the church as interfering with the civil power, and a ſort of *imperium in imperio*. And I own, that a power of the *ſame kind* where there are two different laſt reſorts in the exerciſe of it, and the ſame perſons are the ſubjects of it, cannot be denied to be ſo. They are as inconſiſtent as two bodies in the ſame individual part of ſpace. *No man can ſerve two* ſuch *maſters: for he muſt hold to the one and deſpiſe the other*. Whereas a power that is merely ſpiritual, and that deals only in ſuch cenſures as are peculiar to the church of Chriſt, for the breach of *his* laws, is really no more an encroachment upon the magiſtrates province, than my avoiding any unneceſ-

ſary fellowſhip with a man who is not to my taſte. Such eccleſiaſtic diſcipline, and civil government, are like ſpirit and body, which can exiſt in the ſame ſpace without the leaſt interference.

As for your propoſal of applying to parliament for impowering church courts to enforce obedience to their deciſions by the temporal penalty of a mulct or fine, there cannot be a clearer evidence to what unforeſeen lengths people may be carried, when once they ſuffer themſelves to be embarked in the keen purſuit of any particular object in view. It is true the church of *Rome* have ſometimes laid claim to the temporal, as well as ſpiritual ſword,* and have often wielded it to the great terror of the world, and particularly of thoſe to whom it properly belongs. Witneſs the ſhameful diſcipline of ſcourging which *Henry* II. of *England* was obliged to ſubmit to from the hands of the monks of *Canterbury*. But you know Sir, that even the ſoberer Papiſts, eſpecially of modern times, ſuch as M. *Du Pin* and others, are aſhamed of, and renounce any ſuch pretences. Taking away a man's life is but a higher degree of the ſame ſort of puniſhment with that of depriving him of the means of preſerving it; and even the terrible tribunal of the inquiſition does not aſſume a power of inflicting *it*. All they do is to deliver over the heretick to the ſecular arm. They even intercede with the magiſtrate for lenity to the wretch whom they put into his hands, and beg (tender-hearted creatures!) that if his *life* cannot, at leaſt his *blood* may be ſpared. The judges, who dare not deſpiſe ſuch powerful interceſſion, are obliged to yield to it, and that the unhappy criminal may not want any favour that was demanded, inſtead of ordering his head to be cut off, whereby his blood might be ſpilt, they only condemn him to be burnt alive. All this is a farce indeed. But that very farce is owing to ſome remaining impreſſions which nothing, you ſee, can efface, that ſecular power is the peculiar province of the civil magiſtrate.

If I thought that any of you were really in earneſt for this power of fining in eccleſiaſtic courts, I am confident I could convince you, or any that have ſeriouſly at heart the proſperity of true religion, of the impropriety of it; by ſhowing you, that it is none of *Chriſt*'s cenſures, and is not ſuitable to the ſpiritual nature of *his* government; that it is calculated for ſupporting only our *own* authority, not that of *Chriſt*, who has

* Solent canones imponere pecuniarias pœnas, interdum uſque ad bonorum confiſcationem. Interdum etiam imponunt pœnas corporales citra vitae aut membrorum periculum, ut eſt flagellationis pœna. Interdum etiam uſque ad condemnationem ad triremes. *Suarez. Def. Fid. Cath. cb.* 2.

has endued his church with *ſufficient* authority for cenſuring the breach of *his* laws; that it could not fail to prove a temptation to weak men to violate the dictates of their own conſciences, and conſequently to diſobey the church's King and Head; that the weight of it would fall heavieſt on the ſincereſt Chriſtians, and the trueſt diſciples of Jeſus Chriſt; and that in a divided ſtate of the church eſpecially, it would involve us in endleſs miſchief and ſcandal. *Conſtantine* who conſulted the real intereſt and peace of the church, when he threw the libels of the biſhops againſt one another into the fire, did on the other hand, when he endued them with temporal power, a thing that in the iſſue proved the ruin of true religion, and contributed to the advancement of *Antichriſt*'s kingdom. For upon that ſlender foundation a ſuperſtructure was by degrees raiſed of ſuch amazing grandure, that Chriſtianity was not able to bear the weight of it, and perhaps will not be quite razed till Chriſt ſhall deſtroy it with the brightneſs of his coming. And indeed it has been obſerved that all churches, and particularly the church of *Scotland*, in proportion as they have approached to *Rome*, and been animated with the ſpirit of *Antichriſt*, have affected ſome degree of ſecular power; and in proportion as they have receded therefrom, have renounced all pretenſions to it. The renunciation of this church is ſo explicite, that I hope it may ſuperſede the neceſſity of illuſtrating the above and other arguments that may be adduced upon the ſubject. And therefore I ſhall only refer you to the act, *Seſſ.* 8. *Aſſem.* 1639. where you will find among other *cauſes of the many and great evils that had troubled the peace of this kirk and kingdom, the civil power of kirkmen, and giving to perſons merely eccleſiaſtical the power of both ſwords*, are particularly mentioned. And therefore it is expreſly ordained, *That the civil places and N. B. power of kirkmen be holden ſtill as unlawful in this kirk.*

But whether this additional power of a ſecular nature ſhall be thought proper to be inſiſted on or not, that which gives me the moſt ſenſible alarm in the characters of many who make the greateſt figure, have the moſt powerful ſway in, and are the moſt conſtant and ſtanding members of our general aſſemblies, is, that many of them do not ſeem to conſider the church in any other light but as a creature of the civil government. In ſo far as the diſpoſal of any temporalities is committed to an eccleſiaſtic judicature by authority of parliament, this is what they can underſtand, and appears to draw ſome ſort of regard from them. But as for the church being a ſociety erected, and a government inſtituted therein by Chriſt for purpoſes purely ſpiritual, pointing

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at quite other ends than thoſe of civil government, and carried on by very different means, if ever it falls under their conſideration in this view, I muſt be excuſed to ſay, that I heartily wiſh there was a more ſenſible appearance of it in their conduct. There is no affair that takes up more time and occaſions greater debates in the general aſſembly than the ſettlement of vacant churches. And a matter, to be ſure, of no ſmall importance it is, conſidered in the light of providing for the church *paſtors according to God's own heart, who may feed them*, and promote the great end of their ſpiritual edification. It is true, that by the laws of this land, a right to the publick maintenance may depend upon the deciſions of church judicatories. But has not this circumſtance (which I could eaſily ſhow you is conſidered by the parliament itſelf, only as a conſequence of the thing) ſo abſolutely engroſſed the attention of many, and become ſo far the only object of their concern, that theſe affairs are frequently decided not only without any regard to the *edification* of the people, but in a manner that muſt obviouſly and apparently tend to their ſpiritual *deſtruction*? And muſt this circumſtance of a benefice annexed to the cure of ſouls, together with another which indeed I believe muſt be added here, a number of lawyers being members of our ſupreme court, make an eſſential alteration in the nature of our proceedings, and change that *ſpiritual* government which Chriſt has inſtituted, and that *ſpiritual* power which he has given to his church, for edification and not for deſtruction, into ſomething merely *ſecular*, where *edification* is ſo far from being at all in view; that ſpiritual *deſtruction* is the known, the notour, and the experienced conſequence? We have long carried on our proceedings, in the name and by the authority of our Lord Jeſus Chriſt, eſpecially in the awful ſentence of depoſing a miniſter out of his ſervice. But if the influence of the gentlemen who commonly ſit about the throne continues to prevail, it is high time for us to alter our ſtile, or rather to let the civil judges decide all theſe matters, not in the New-kirk iſle, but on the other ſide of the Parliament-cloſe.

Ph. I find, *Theodulus*, we ſecular members of aſſembly, and eſpecially the lawyers, ſtick much in your ſtomach. I have heard of a Preſbyterian period when the noble and honourable elders were not ſuch unwelcome gueſts in the church courts, to thoſe that were of your way of thinking. I doubt not, the lawyers whoſe practice lies chiefly in the ſecular courts, may bring with them into your judicatories ſomething of what has grown habitual to them, and is not ſo eaſily ſhaken off. But as to the alteration of your ſtile, I ſuſpect you may be in ſome miſtake. I have heard

heard ſome of your own friends make ſuch a propoſal: whether they were in earneſt as they ſeemed to be, or if it was archly intended to expoſe ſuch proceedings as appeared to them inconſiſtent with the language that was uſed upon the occaſion, I ſhall not determine. But I aſſure you, it is a circumſtance that we give ourſelves very little concern about. If it be the ſtile of the court, we have no ſcruple to comply with it: let that anſwer for all.

Th. As for the inconſiſtency, Sir, I appeal to what yourſelf was ſaying but a little ago, and the capacity in which you pretend to act, when the name of our Lord Jeſus Chriſt is uſed, and ſhall I ſay, *taken in vain*? If any of thoſe who are ſenſible of, and concerned for this inconſiſtency, as a breach of the third command, have ever ſeriouſly propoſed an alteration of our ſtile, I think they draw a very wrong inference from it. The church's ſtile is an evidence of what *ought* to be the church's conduct. While they are conſtituted in Chriſt's name, let them beware of doing any thing but what they have his authority for: and this, Sir, in my apprehenſion, would in another ſort anſwer for all. But if a member of the *Britiſh* parliament were accuſed of acting in that capacity, for the *French* intereſt, would he think it a ſufficient ſalving of the matter, to propoſe that they ſhould alter their ſtile, and call themſelves the peers or commons of *France* in parliament aſſembled?

It is very true, *Philarchus*, what you obſerve: time was when the noble and honourable elders were thought very uſeful in the church judicatories, not only after the Revolution, but eſpecially above a hundred years ago. But then it is as true, that there were many of them in thoſe periods that were animated with a hearty zeal for the ſpiritual intereſt of Chriſt's kingdom, and had a real concern for the edification of his people. Witneſs the acts of parliament about the ſettlement of vacant churches 1649 and 1690. I do aſſure you that it would be a recommendation of an elder to me, not only that he was a great man, but that he was a lawyer too, if he appeared to prefer the laws of God to thoſe of any of his creatures, and if, when ſitting in a court of Chriſt, and acting in his name and authority, he paid the ſame regard to *his* laws, as thoſe of our temporal ſovereigns meet with in their courts. A very large character of every one of the aſſembly elders is formally atteſted indeed by a preſbytery with their commiſſions: Particularly, "That he is faithful in "the diſcharge of his office, tender and circumſpect in his walk, "punctual in his attendance upon ordinances, and ſtrict in his "obſervation of the Lord's day, and in regularly keeping up "the worſhip of God in his family." If there was no ground

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to ſuſpect any of theſe atteſtations of raſhneſs and precipitancy, I own the intereſt of religion might be ſafely truſted in ſuch hands.---

AN. I am confident, *Theodulus*, upon reflexion you will thank me for interrupting you, and that upon ſecond thoughts you will moderate your zeal in this matter. I wiſh the aſſembly had not required ſuch an atteſtation. But as the caſe ſtands, what would you have preſbyteries to do? If any member knows the falſehood of any of the facts, I think he would be bound to object againſt the atteſtation of them. But for a preſbytery, in ſo publick a manner to betray a ſuſpicion of gentlemens characters, how can it be done without the groſſeſt rudeneſs and ill manners? Or how can ſo much as a ſuſpicion be entertained without the breach of charity?

TH. My dear Sir, whatever your ſucceſs may happen to be, I ſhall always think myſelf obliged to my good friend for his concern to preſerve me even from an apprehended indiſcretion. But I can aſſure you, that this is a matter of greater importance with me, than to give way to a matter of meer politeneſs and complaiſance. I ſhall readily acknowledge, that whatever defect of that kind I had even a certain knowledge of in the character of any gentleman, it would not be treating him with that civility that is due to him, to make any *unneceſſary* mention of it before others, eſpecially in his abſence. Nay, it would be a breach of charity to entertain a groundleſs ſuſpicion of any man. But alas! Sir, the caſe is quite different, when we are called to give a formal and ſolemn atteſtation in judgment to facts, the truth of which, in a caſe of great importance, is referred to our knowledge of them. I proteſt to you, that at this moment, I have not the leaſt doubt of the archbiſhop of *Canterbury*'s keeping up the worſhip of God regularly in his family, and yet if I were called to ſign an atteſtation of this fact, I can ſcarcely think it would ſurpriſe you, if I ſhould make a ſcruple of doing it before I enquired a little farther into the matter. Becauſe my atteſtation of a fact does, in the nature of the thing, imply, not ſurely my *ignorance*, but my *knowledge* of it. If I ſhould ſign a declaration that the number of ſtalks in a ſheaf of corn which I refuſed to count, or by any means to inform myſelf about, was even, I would be as guilty of falſhood, tho' there be an equal chance that it may be ſo, as if I had aſſerted there was not above twenty in it. And therefore to explain away the obvious meaning of ſuch a formal atteſtation of our knowledge of facts, as if it were only a declaration of our *not knowing* them to be falſe, or *preſuming* them to be true, appears to me ſo inconſiſtent

ſiſtent with common honeſty and ſincerity, and of ſo great conſequence in religion and morality, that I cannot help being deeply concerned, leſt a ſcandal not eaſy to be wiped off be thereby brought upon the church of *Scotland*. How can we expect the preſence or countenance of the God of truth with aſſemblies opened and conſtituted by ſuch notorious falſhood? Falſhood, Sir, I ſay, if the proceeding be upon your plan, let the facts atteſted happen to be ever ſo true in themſelves. For beſides that, in the nature of the thing, an atteſtation does evidently ſuppoſe our knowledge of the facts atteſted, it is certain, Sir, that the aſſembly not only requires us to inform them of certain facts, but does likewiſe explicitely require us to be at pains in order to inform ourſelves of the truth of them previouſly to our atteſtation of them, that we may inform them of nothing but what we have the knowledge of ourſelves. They do expreſly by *Act 6th. Aſſem.* 1744, "enjoin preſbyteries in time coming to take care that "all commiſſions be in due form, according to the acts of aſſem- "bly; and *in order to this, that they be at all due pains to get "themſelves informed*, that the elders ſent up by them to the aſ- "ſembly or atteſted by them as ſent by burghs be qualified in "theſe terms." Which takes away all pretenſions, as if the meaning of the thing was only that we knew nothing to the contrary, or preſumed the matter to be ſo. The truth is, Sir, if this were all that is in it, nothing could be imagined more idle. If a gentleman's being ordained an elder is a ſufficient *preſumption* that he is in all reſpects ſuch as we atteſt him to be, why may not the aſſembly preſume this as well as a *presbytery*? Their very inſiſting on an atteſtation from a preſbytery where the gentleman's reſidence or property is ſuppoſed to be, tho' they had not particularly enjoined an enquiry, is as good as a thouſand evidences, that it is not the preſumption that is to be reſted in.

All this would hold good, tho' the preſumption lay on the favourable ſide. But pray allow me to aſk, Can you ſay that it does ſo? If it did, what could tempt one of your advocates to repreſent our ſeeking information in this matter, as "endeavours "to exclude gentlemen from being members of aſſembly, by "ſetting up ſtrict inquiſitions againſt them." And in another place, as "turning preſbyteries into courts of inquiſition into "gentlemens private characters*." By the by, you ſee what treatment this vindicator of the aſſembly gives to their authority when it was interpoſed in a way he does not approve of. For if the inſiſting for information in order to the atteſting the qualifications of gentlemen that are choſen members of aſſembly be a *turning*

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* *The General Aſſem. vindicated, p.* 28. *and* 31, 32.

sbyteries into courts of inquiſition, it is the aſſembly 1744 that done it. Yet he is ſo far from giving obedience himſelf, t he is angry at thoſe who are willing to do it, and gives the ng which they enjoin ſcurrilous and opprobrious nicknames: iſe, at the ſame time, he plainly inſinuates it to be his opinion t the inſiſting upon this injunction would in effect exclude m being members of aſſembly ſome gentlemen whom he is ve- fond to have acting in that capacity. But after all, where is ſtrictneſs of the inquiſition, or the privacy of the character t is pryed into? Such is the nature of the ſeveral particulars, t I ſhould think, in a gentleman of any conſiderable ſtation, they uſually are who can afford their attendance upon the aſ- bly at *Edinburgh*), the truth or falſhood of them can ſcarce- be ſo profound a ſecret, as that none of their beſt acquain- nces among the clergy know any thing about the matter. A ntleman's *performing the office of an elder* in his own pariſh ſurely none of the privateſt parts of his character. I wiſh it re not ſo common a thing in perſons of the rank we are now aking of to run, upon many occaſions, with little ſcruple in- the ſame exceſs of riot with others who make little profeſſion ſeverity of manners, or of ſerioufneſs or ſtrictneſs in religion, o render a gentleman pretty noted in the world, who is cau- us in abſtaining from the appearance of evil, or *tender and cumſpect in his walk*. If he really pays a *regard to the Lord's , and attends the ordinances habitually*, if he goes with the mul- ide to the houſe of God, it is impoſſible for a gentleman of k to do it in ſo ſecret a manner, as not to be eaſily and well own. The only remaining particular which can furniſh the ſt handle for alledging any indiſcretion in prying into a gen- man's domeſtic affairs, is the article relating to *family wor- p*. But if it is indeed regularly kept up, it muſt be either by nſelf in perſon, or by a chaplain. If by a chaplain, that ſure- can be no ſecret: and the very ſingularity of the thing in h a ſtation, would help to make it notour, if he did it himſelf. it ſo uſual a thing for gentlemen now a-days to perform that y *themſelves*, that where there is no chaplain, and no body ows any thing about the matter, it may be preſumed with a gree of certainty ſufficient for an atteſtation? For my part, wn that the very neceſſity of having recourſe to the bare pre- mption, for want of any other evidence, would, in the pre- t ſtate of things eſpecially, not a little weaken that preſum- on in my view.

PH. I believe, *Andropodius*, we had better let this matter alone, to tell you honeſtly my ſentiments upon the ſubject, theſe

atteſtations have already expoſed you to ſo much ridicule, and are like to bring ſo much more upon you, that I am perſuaded the church would act a wiſer part, to repeal the laws that require them, than to inſiſt upon the rigorous execution of them.

An. Who are they, Sir, that have involved us in ſuch difficulties? I undertake to anſwer for the brethren of my way of thinking, that as it was none of them that puſhed the enacting of ſuch things, ſo *we* ſhould not ſtand in the way of repealing them, provided *Theodulus* would perſuade any of his friends to make the motion. But had any of us appeared againſt the enacting of them, or ſhould we propoſe a repeal of them, you may eaſily gueſs what a cry would be raiſed againſt us, as if we intended to throw the government of the church into graceleſs hands, who had no concern whether religion ſhould ſink or ſwim. And now, *Theodulus*, that you have ſeen what the conſequence is of enacting ſuch regulations, I hope you'll be ſenſible that it would be a kind office done to the church, to ſet her at liberty from thoſe ignominious fetters, that ſerve only to clog the freedom of her actings, and expoſe her to the ridicule of ſuch as wait for her halting. Our principles lead us to give obedience to our ſuperiors; and therefore, as long as ſuch regulations continue in force, we cannot chuſe the terms, nor atteſt the character of elders that are ſent to the aſſembly, otherwiſe than in the form preſcribed. But if you would impartially examine the words, and reflect upon the *ſtrictneſs* and *punctuality*, &c. that is required to be atteſted, I fancy you may perceive that the authors of theſe regulations have overſhot the mark, and tied us down to a form of words, that, if they were to be taken literally, could ſcarcely be applied to any body at all. I doubt, if there are many amongſt the clergy themſelves, of whom ſuch a character would not appear to be a little ſtretched.

Th. I do ſee plainly enough indeed, that there are ſome people pretty deeply bemired, by the very inconſiſtency of their wreſtlings to get out of it. One while, it would be uncharitableneſs not to preſume this character of every man: and if this will not do, you fly to the oppoſite extreme, and then it is a character too high for any man. But pray, dear Sir, are there not real differences among men, particularly in their moral and religious characters? And is it not the intention of the church to exclude from the exerciſe of the ſupreme power, in her government, men that do, by their external behaviour, diſcover their want of any real regard to God and religion, not only by throwing up all worſhip of a ſupreme Being entirely, but likewiſe by attending it very rarely in publick, and having it in their families but now

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and then only upon ſome extraordinary occaſion? And to admit only ſuch as are known to devote the Lord's day to religious exerciſes, habitually to attend the publick aſſemblies, and to make the worſhip of God a ſtated and ordinary part of their family oeconomy? Is there not a real and a ſenſible difference between theſe two characters? And may not the one, in the literal uſe of language, be deſcribed by ſtrictneſs and punctuality, in oppoſition to, and for diſtinguiſhing it from the other? I am very ſorry that there are any of the firſt character among the profeſſors of Chriſtianity, and ſhould be much more ſo, if it was the common character even of the office-bearers and rulers of the Chriſtian church, particularly of miniſters of the goſpel, and that in a church where a higher degree of reformation has been, thro' the good hand of God, attained than in many others. But whatever juſt grounds of complaint there may be amongſt us, do you really know no elders of a higher rank, to whom the ſecond character may be literally and juſtly given? I am ſure I know ſeveral, and I hope as long as there is a church in this land, there ſhall always be ſome of this character in every ſtation of life.

If the elders whom you atteſt do not really deſerve the character, do you think that your atteſtation of them is obedience to the church? I do not aſk if you are bound by the authority of any church upon earth, (as a certain brother expreſſed it before a reverend ſynod), to "do in a publick capacity, when ſitting as "judges in the name of Chriſt, what in our private conduct, "would render us infamous for ever*?" But I aſk, if you really think that this is the thing required by the church? Sir, it is moſt certain that the thing required of us is the direct contrary. If the church demands information from us, can it be a falſe information, think you? Does ſhe not expreſly require us to chuſe none to be members of aſſembly, but ſuch as are of the character deſcribed? And to atteſt none as ſuch till we have informed ourſelves of the truth? And therefore if you chuſe ſuch as are not of that character, and eſpecially if you refuſe when called upon, to be at any pains to get yourſelves informed of the facts atteſted, inſtead of obeying the aſſembly, it is undoubtedly certain, Sir, that you are guilty, not only of a wrong thing, but particularly of a moſt formal and obſtinate diſobedience to the aſſembly; implicitely to all the regulations enacted upon this ſubject, and explicitely to *Act 6th. Aſſem.* 1744.

In order to get out of this ſcrape, I find you would both be pleaſed to get theſe acts repealed. And for my part, I frankly own

* Baine's *Synod ſermon, p.* 25.

own that, as this matter is commonly apprehended, and even upon the principles that are openly eſpouſed, the ſcandal of the thing, as well as the atheiſtical and provoking impiety there would be in conſtituting by falſehood the ſupreme judicature of him who is truth itſelf, is ſo ſhocking to me, that whoever are inſenſible how loudly the application of ſome remedy is called for, ſeem to me to have a degree of callouſneſs in theſe matters beyond my comprehenſion. I would yield a great deal rather than have the mortification of ſeeing things continue upon ſuch a footing; indeed almoſt any thing but having an active hand in putting the government of Chriſt's church in the power of thoſe who are ſo far from profeſſing a hearty concern for his intereſt, or for the edification of his people, that they will not ſo much as pay him that external homage which the very profeſſion of Chriſtianity ſo eſſentially implies. This, I am afraid, there would be a ſtep made to, by the repeal of ſuch regulations as we are ſpeaking of. For you cannot fail to be ſenſible that in proportion to the danger which preſbyteries are in of giving falſe atteſtations, ſo preciſely muſt be the hazard which the church runs of falling under the government of men who want the qualifications that are required to be atteſted. Why would you wiſh that preſbyteries were freed from the neceſſity of giving theſe atteſtations? But becauſe there is ground to fear that many of thoſe elders, eſpecially who ſtand faireſt for being choſen members of aſſembly or commiſſion, do really want the qualifications required? And if it be ſo, and eſpecially if the evil is in a progreſſive motion, is there not an equal danger that the deciſion of all eccleſiaſtical matters among us may fall into the hands of thoſe who want theſe qualifications?

You ſeem to inſinuate indeed that it would be no great matter if it ſhould be ſo. But pray, gentlemen, allow me to aſk you how far you will really pretend to carry this matter? What if the very reverſe of all theſe qualifications ſhould happen to be the caſe? When once irreligion has grown faſhionable, and has deeply infected the upper ranks of life, 'tis hard to ſay what lengths it may be ſuffered to run, before divine providence ſhall ſee fit to interpoſe in order to a revolution. Now let us ſuppoſe, what I muſt confeſs, I am not without apprehenſions ſome of us may live to ſee, that one who looks upon the Chriſtian religion as an impoſture, at leaſt has no firm belief of the truth of it, ſhould have ſo much intereſt among the corrupt part of the clergy, as to get himſelf ordained an elder with a view to a ſeat in the aſſembly, where a right to ſo much temporal property is often ultimately decided. You know our modern infi-

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dels are not at all ſtraitened in their principles about as much profeſſion of Chriſtianity as will ſerve this purpoſe. Let us ſuppoſe ſome ſuch in the character of elders ſo far from being ſtrict in regularly keeping up the worſhip of God in their families, that it is not ſo much as moved for when a miniſter is their gueſt, unleſs it be very rarely, perhaps, in complaiſance to ſome of the graver ſort. Let us ſuppoſe them as often ſpending the Lord's day in paying or receiving viſits, and making up a party at cards, as in the publick and private exerciſes of devotion; inſtead of being tender and circumſpect in their walk, ſetting about ſometimes dozens of bumpers among their gueſts at an entertainment, and knocking them at once; ſo far from being faithful in the diſcharge of their eccleſiaſtical office, that it would be difficult to name a kirk-ſeſſion of which they could be reckoned members, as it is already become cuſtomary for gentlemen to be ordained elders by miniſters that are not ſo much as members of the ſynod where the place of their reſidence lies; ſo far from performing the uſual duty of their office in ſerving communicants at the Lord's ſupper, that they ſeldom, if ever partake of that ſacrament themſelves; let us ſuppoſe them never looking into a church court, but an aſſembly or commiſſion, and there only when there is a jobb to do, pouring in like an inundation perhaps at one diet, to carry a ſettlement that can ſerve no religious purpoſe, but muſt obviouſly tend to ſcatter the flock of Chriſt, obſtruct their edification, and involve the church in confuſion and diſtreſs; while, at the very next diet, it may be with the utmoſt difficulty that as many of them can be pickt up out of taverns and muſick meetings as to make a quorum for doing ſomething to diſcourage profanity. If ever matters ſhould come to this paſs, or if there be any ground for apprehending it, let me aſk you ſeriouſly, gentlemen, whether you can really ſay that ſuch are the propereſt hands to be entruſted with the final deciſion of church affairs, and whether the preſent is a proper ſeaſon for throwing down the fences that have been raiſed for keeping them out, or rather if it would not be a much more ſeaſonable thing to add, if poſſible, to their ſtrength, and endeavour to make them more effectual?

But I have been led away from the ſubject we were upon, *viz.* the differences between the regulations enacted by church courts that are contrary to our opinion, and the laws of the civil ſociety which we may happen to diſlike, ſuch as the late exciſe ſcheme. I have already mentioned two differences, and ſhall proceed to aſſign,

§ 6.

§ 6. A third difference, namely, that the manner of raiſing and collecting the publick revenue of any ſtate is one of thoſe things that God has given the ſupreme civil power in every ſociety a *right* to determine, ſo that when once it is determined, as well as other things of the ſame kind that have no intrinſick moral evil in them, nor threaten the ruin of the ſociety; not only may they be ſubmitted to, but it is a ſin not to ſubmit to them. *We muſt needs be ſubject, not only for wrath, but for conſcience ſake.* Here indeed the aſſertion of the Diſſenters holds, that *no ſooner is ſuch a regulation enacted than private judgment is ſo far ſuperſeded that even thoſe who diſapprove it are bound to obey: unleſs in a caſe of ſuch groſs iniquity, and manifeſt violation of the original deſign of the ſociety, as makes it better to have the ſociety diſſolved than to ſubmit to it.* But in the Chriſtian ſociety there is no viſible power that has a right to determine ſuch queſtions as the ſupreme power has left undecided, authoritatively for others. There is not in the Chriſtian ſociety upon earth any power that is ſtrictly and properly *ſupreme*. The *ſupreme* power in this ſociety is in heaven, who has appointed no governors here, but ſuch as are only miniſterial, ſubordinate and executive, having full power indeed to enforce *his* laws, but none to make any of *their own* that bind the conſciences of *his* ſubjects, who muſt *ſtand or fall to their own maſter.*

PH. Now here, *Theodulus*, I muſt take the liberty to interrupt you. I ſhall allow, if you pleaſe, the aſſembly itſelf to have but an executive power. For my part, I own the diſtinction is new to me. But as you are poſitive that 'tis the Proteſtant doctrine, and that the contrary opinion is the very eſſence of Popery, I ſhall not diſpute the point with you. Let it be *executive* then (tho' I think you have yourſelf mentioned ſometimes a *legiſlative* power in the church, which the aſſembly ſhares with preſbyteries, as well as an *executive* power, wherein the aſſembly I ſhall ſay is *final*, to avoid the word *ſupreme*; not to inſiſt on this however) you muſt likewiſe allow that in the execution of Chriſt's laws, his ſubordinate officers (I am ſure you cannot object to my ſtile) muſt be frequently under a neceſſity of deciding ſeveral circumſtances that were left undetermined by him. And is there no neceſſity of obedience to them in ſuch deciſions? For example, Chriſt has not determined at what hour of the day the congregation ſhould meet for publick worſhip. Here then is a circumſtance which Chriſt has not determined, and yet it muſt be determined by his ſubordinate officers; otherwiſe his own ordinances muſt be neglected. Suppoſe a whimſical fellow ſhould take it in his head that an hour or two before midnight was a properer

perer ſeaſon for the worſhip of God than an hour or two before mid-day, and that becauſe our Saviour and the apoſtle *Paul* too, as well as many of the primitive Chriſtians celebrated the ſacrament of the Lord's ſupper at night, therefore it was a ſin to adminiſter or partake of that ordinance in the day time; are ſuch idle and fantaſtical humours to be born with? And have the ſubordinate officers in Chriſt's kingdom no power to cut off ſuch a whimſical humouriſt from the privileges of his ſubjects? I, as a juſtice of peace have but an executive power; and yet in executing the laws of the land, I muſt give orders to a conſtable, and determine ſeveral particular circumſtances without which the law could not be executed, and which could not be diſtinctly ſpecified in the law itſelf. If I ſhould order a conſtable to bring ſuch a perſon before me immediately who, I had reaſon to think, was about to abſcond, or leave the country, do you think I would accept of the excuſe, ſhould he tell me that the law has not determined at what hour of the day, or in how ſhort a time ſuch orders ſhould be executed, and therefore he would take his own time to do it?

TH. As for your ſtile, Sir, there is no harm, for the moſt part, in looſe and inaccurate expreſſions, (which cannot always be avoided) when the ſenſe is not miſtaken and miſapplied. But when we come to ſtrict reaſoning, and an inference is drawn from, or an uſe made, perhaps of a figurative or inaccurate word beyond the original intention of them, then it becomes neceſſary to fix the ideas they ſtand for on ſuch an occaſion. If by the legiſlative power of the church you mean nothing elſe but ſuch a power as you have in the capacity of a magiſtrate, of giving ſuch particular orders as are neceſſary to the execution of the laws of the land, and any eccleſiaſtical legiſlature that is now claimed over inferior judicatories or miniſters is conſidered in no other light than as the orders of a juſtice of peace to a conſtable: I have no objection againſt ſuch an application of the term, and have no ſcruple to uſe the common language, any more than at ſaying the ſun riſes or ſets. Only I think it neceſſary in the preſent diſpute, that it be clearly defined and underſtood that the aſſembly itſelf, or even the aſſembly with the conſent of all the preſbyteries in *Scotland*, nay a general council, is nothing elſe but the laſt reſort of the *executive* part of the government of the church, and that Chriſt has left no power to any part of his ſubjects to make new laws binding the conſciences of the reſt, or to exerciſe legiſlature ſtrictly and properly ſpeaking.

Their buſineſs is to execute his laws, and 'tis upon the breakers of *his* laws that *his* cenſures are to be inflicted, in *his* name

and

and authority, which I have no ſcruple to ſay are profaned and abuſed when otherwiſe applied. If theſe *his* laws cannot be executed without a human determination of the natural and neceſſary circumſtances that are eſſential to the performance of ſuch actions, as time, place, *&c.* and that have not been determined by himſelf; the command appointing ſuch actions to be done is a ſufficient warrand for determining the circumſtances that are eſſential to them. Yet even with reſpect to the determination of ſuch natural and neceſſary circumſtances; if the refuſal of any individual to comply therewith appears to proceed, not from any prejudice againſt the command of Chriſt, nor from any contempt of that authority which he has eſtabliſhed in his church, but from a real, however groundleſs, apprehenſion that ſuch circumſtance has been determined otherwiſe by Chriſt himſelf, it would be contrary to the genius of Chriſtianity, contrary to the deſign of eccleſiaſtical authority, which is for edification and not for deſtruction, to bellow with all its thunder againſt a weak ſcruple of that nature, as it ſhould, when any of Chriſt's own laws are openly tranſgreſſed and contemned, and the oppoſition appears to be againſt his own authority. Tho' the particular inſtance, *Philarchus*, which you have given is ſo unreaſonable a whim, that I doubt if ever there was in fact a real example of it, and therefore in fairneſs ſhould not be argued upon; yet I have little difficulty, for my own part, to extend the lenity of eccleſiaſtical government even to ſuch an inſtance, if it could be ſuppoſed to happen. Did I know any Chriſtian, that in all other reſpects ſhowed a ſincere, uniform, and univerſal regard to the laws of Chriſt, that did not refuſe obedience to any that were expreſly revealed, and yet had an inveterate impreſſion that the ſacrament of the Lord's ſupper was by Chriſt himſelf ſo limited to the evening, that it would be a tranſgreſſion of *his* inſtitution to partake of it at mid-day, I would think church-authority a very improper mean of dealing with ſuch a ſcruple. I would try what reaſon and argument could do. And if after all, the perſon remained unconvinced, if I did not think it proper to adminiſter the ſacrament to him myſelf, which, being an action of my own, depends on my own private judgment, neither would I chuſe to be very ſanguine againſt a brother who had freedom to do it, and I would be very loath to inflict Chriſt's cenſures upon one who, for all this groundleſs ſcruple, might be a real member of his myſtical body, and appeared to have an habitual regard for *his* authority. For as long as that circumſtance appears to the ſcrupulous Chriſtian to have been determined by Chriſt himſelf, a contrary determination of it by any of his ſubordinate

ordinate officers, I am ſenſible, cannot alter the nature of it, and *ought* not to be regarded in oppoſition to, or put upon a level with *his* authority.

And ſurely if this would be right in the caſe of a determination by human authority of a natural circumſtance that is eſſential to an action agreed on all hands to be commanded by Chriſt, it muſt, *a fortiori*, be much more ſo where the human deciſion is not ſo neceſſarly connected with any of Chriſt's own expreſs laws. You have put both your caſes in the ſtrongeſt way to ſupport your argument: and yet they may both contribute to illuſtrate our doctrine. Your orders to the conſtable about the circumſtance of time are ſuppoſed neceſſary to the execution of the law. But is it not eaſy to ſuppoſe that this circumſtance not being preciſely defined by the legiſlature may give room, in many caſes, for the exerciſe of private judgment in a conſtable which your authority cannot ſuperſede? Would an order from you, for example, be a ſufficient warrant for a conſtable to carry off a centinel from an important poſt before his hour was elapſed? or to pull me out of the pulpit in the midſt of divine ſervice? A particular definition of the legiſlature itſelf would make ſuch things, if not reaſonable, yet legal, and would be warrant enough for an inferior officer *in foro humano*, while no authority that is merely executive can bear him out in executing illegal orders. In like manner, if once you give up a legiſlative power in church rulers, you muſt of conſequence be obliged to own that ever ſuch peremptory orders from them can never ſuperſede the exerciſe of private judgment in thoſe to whom they are directed, nor bear them out *in foro divino*, ſhould they, in obedience to them, do any thing that ſeemed inconſiſtent with either the general or particular rules contained in the word of Chriſt, the only king, the only lawgiver of the church.

PH. Have you ſeen a ſmall pamphlet intitled, *Some thoughts on obedience*, &c. in two letters? I do think the author of theſe letters has ſet this point in a very juſt and proper light. He loves your very objection, and ſuppoſes "It will be alledged, that however dangerous it may be to reſiſt the authority of Chriſt's ſervants when employed in executing his laws, yet there is no ſuch danger in reſiſting the execution of laws made by themſelves, becauſe they have no power to make laws. But (replies he) is it poſſible to execute the laws of Chriſt without ſome rules or regulations, if you ſcruple to call them laws, ſuited to the circumſtances of the church?----So that to deny the ſervants of Chriſt the power of making regulations or laws for the right execution of the truſt committed to them, is

" in effect to deny them the power of executing that truſt: and to " obſtruct the execution of theſe laws, or to reſiſt the authority " by which they are executed, is, in effect, to obſtruct the progreſs " of Chriſt's kingdom, and to reſiſt the Head of the church." *

TH. Sir, you know very well, and I cannot ſee how that writer could help knowing that if the church did always confine the exerciſe of her power to ſuch regulations as are neceſſary to the execution of Chriſt's laws, there would be no diſpute between us upon this ſubject. But whereas it is a notorious and undeniable truth, that in fact, it has generally been quite otherwiſe, for which I appeal to the whole hiſtory of the Chriſtian church, *Greek* and *Latin*, not excluding even the primitive times, nor Proteſtant churches themſelves ſince the Reformation, the queſtion is, Whether a reſiſting of their authority in any particular inſtance can be convicted of rebellion againſt Chriſt from the general principles of eccleſiaſtic government, without a diſcuſſion of the merits of the cauſe? We who are far from taking upon us to maintain that every reſiſtance is right, do only pretend to ſupport any particular inſtance of it, by a fair appeal to the merits of the cauſe. If the church has required nothing but what is " neceſſary for promoting the intereſt of Chriſt's kingdom, " and the execution of his laws," as this author affirms, we are as ready as he to condemn reſiſtance in ſuch a caſe as an *obſtructing the progreſs of Chriſt's kingdom, and a reſiſting the Head of the church*. But then we maintain likewiſe (which is the only difference between us) that this is not to be taken for granted merely becauſe the church has done it, but that every man, in ſociety, as well as out of it, not only has a right, but is bound to exerciſe his own private judgment in order to determine for himſelf, and in ſo far as relates to his own conduct, whether it be ſo or not. On the other hand this writer maintains that, ſo far from having recourſe upon ſuch occaſions, to the meriting of the particular queſtion, an individual who is a member of ſociety is not ſo much as to conſider it in the leaſt degree. Be the judgment of the ſociety right or wrong, his being a member of it implies that he has given up his own judgment, and *bound himſelf to act by the direction of his ſuperiors*, and that therefore without ever diſcuſſing the queſtion whether the thing enjoined be right or wrong, *every* reſiſtance muſt needs be condemned, as being in the general, inconſiſtent with the authority that Chriſt has given to the church

Gentlemen, I know how common it is to overlook the very groſſeſt errors in one who is ſupporting our ſide of a controverſy. And

* Some Thoughts on Obedience, &c. in two letters, p. 6.

And therefore I muſt beg a little of your indulgence in ſetting this author's principles before your eyes. For if you had but a view of them in their true and proper light, I believe this would ſave me the trouble of adding any thing in confutation of them.

The colouring whereby he diſguiſes his doctrine, and throws a ſort of miſt before his readers eyes, conſiſts in the general conceſſions which he throws out now and then to ſtop the mouth of an objector, and make his doctrine appear not quite unreaſonable. But then what he gives up with one hand, he immediately retracts with the other, and his whole pamphlet is nothing elſe but a confutation of theſe very conceſſions. Thus he ſeems to yield, "That one cannot give another a right to judge for "him of doctrines evidently taught in ſcripture. As little can "one give a right to another to judge for him in matters of "right and wrong, ſo plain and obvious as does not admit the "leaſt diſpute *." I ſay, he *ſeems* to yield this. And indeed, he *only ſeems* to do ſo. For, would you imagine it, that he has artfully couched in this very conceſſion two little retractations, which you ſhall immediately ſee, by the uſe he makes of them, renders it abſolutely inſignificant, ſo that, if you think you have any thing here, you will ſoon find by a ſort of *Hocus Pocus*, to your no ſmall aſtoniſhment, that you have nothing at all. Would he *really* yield us, that even an inferior in ſociety cannot give up to the governors of it a point that appears to him to be a matter of right and wrong, and which he is convinced he ſees a deciſion of in the ſcripture, we would aſk no more. Why then, ſay we, to *deſtroy thoſe ſouls for whom Chriſt died*, appears to us a matter of the higheſt and moſt important wrong, and expreſly forbidden in the ſcripture, as well as it is to do any action of the lawfulneſs of which we doubt. But any one would be much miſtaken to think he had got this length yet. For mark how careful he has been to deprive us of all manner of uſe of this conceſſion. For the matters of right and wrong whereof he reſerves a private judgment, muſt be ſo plain and obvious as does not admit the *leaſt* diſpute. And the doctrines muſt not only be taught, but *evidently* taught in the ſcripture. When you have ſeen how he explains, and what advantage he makes of theſe perhaps unheeded retractations, you will likewiſe ſee that what you took at firſt ſight for a *real* conceſſion, and ſeemed to be ſomething, is evaporated into nothing at all. "But in all "other caſes, he ſays, where he himſelf has a right to exerciſe "his own judgment, and *where different perſons, by the exerciſe "of their intellectual powers, have different judgments*, in all "ſuch

* Ib. p. 8, 9.

" ſuch caſes he may transfer his right of judgment to others, ſo " far as will oblige him to ſtand to and acquieſce in their judgment " in contradiction to his own †." And now, gentlemen, where is the liberty which you thought perhaps this author had left with Chriſtians, and which he *ſeemed* to make us ſome conceſſion of? I need not obſerve to you that there is ſcarcely a doctrine taught, or a practice enjoined by the Chriſtian religion, but what has been, and may be diſputed, and where different perſons, by the exerciſe of their intellectual powers have different judgments. And indeed, where no body diſputes a thing with us, what is the uſe of any liberty to differ from them, if it is a liberty we muſt renounce the moment that they think fit to differ from us? Would you not think yourſelves treated worſe than children or idiots, by any one that ſhould make a pompous offer of his ſervice in defending your perſons and goods, but ſhould carefully limit his aſſiſtance only to ſuch caſes where no mortal creature was offering to attack you, and ſhould expreſly ſtipulate that whenever you was in danger of the leaſt injury, then you was neither to demand or expect any aſſiſtance from him.

There are but two caſes in which this gentleman allows any exerciſe of private judgment to a Chriſtian, both of which I cannot conſider in any other light, but as the groſſeſt inſult upon their underſtanding. The firſt is, when they are out of ſociety, *i. e.* when they have the misfortune to be caſt away upon any deſolate iſland. For every Chriſtian is by Chriſt himſelf incorporated into ſociety with other Chriſtians, if he has acceſs to them, and indeed obliged to ſubmit to every lawful ordinance of man, if there are any ſuch in the place where he lives. I have heard of one Chriſtian indeed, a *Scotſman* too, called *Alexander Selkirk*, who enjoyed our author's liberty of conſcience ſeveral years in the iſland of *Juan Fernando* in the South-ſea. But it is a liberty which none of us, I believe, would be very fond of, nor, if we were reduced to a ſituation which placed us ſo far beyond the reach of impoſition, would we think ourſelves much obliged to this bountiful writer for his indulgent charter.

But if we are mocked with this indulgence, the inſult is ſtill greater to thoſe who are ſo happy as to be members of any Chriſtian church. To them he allows a liberty, in what caſes, pray gentlemen? Why truly, in ſuch caſes only where no body ever did, or ever can differ from them. And are we much the richer of this, think you? Of the liberty to ſay that two and two are equal to four? But that you may not think him too liberal in his unguarded conceſſions, how long are we to enjoy this liberty?

† Ib. p. 9.

berty? Not one moment longer than while every body agrees with us in saying so too. For no sooner does it admit of the *least* dispute, than our boasted liberty is that instant taken from us again. Whatever admits of the *least* dispute, whatever different persons may have different judgments about, in all these we have, it seems, transferred our right of judgment to others, so far as will oblige us to stand to, and acquiesce in their judgment, in contradiction to our own. And is this all the right of private judgment that Protestants have been contending for? A right that leaves the whole claim of the church of *Rome* safe and sound? Is this, think you, dear *Philarchus*, setting the matter in a just and proper light?

Ph. There must surely be *legerdemain* some where, and I wish, *Theodulus*, you may not be the juggler yourself. For whatever likeness there may seem to be in this portraiture you have exhibited of that gentleman's principles, I am persuaded, he never sat for the picture. I really cannot refuse that a few phrases, which you have culled out here and there, have the appearance of supporting your allegiance, which I own have surprised me a little. But if the doctrine of that pamphlet be indeed agreeable to your representation of it, it will perfectly astonish me at my own heedlessness and want of penetration. For I frankly own, it did by no means appear to me in that light when I read the book, though I cannot well account for the expressions you have quoted, till once I have leisure to consider them a little more deliberately.

Th. Sir, There is no occasion for either astonishment or surprise at the matter. For a little reflexion will furnish you with a hundred instances of men of the brightest parts, who are once engaged on one side of a controversy, grasping so eagerly at any thing which has the appearance of supporting it, that they are capable of mistaking a pillar of ice for one of marble. But the more deliberately you examine the pamphlet, the more clearly will you see, that the account I have given you of it is taken not from unguarded expressions dropped accidentally, but from the whole strain, and the uniform tenor of it, and that his argument entirely depends, and is founded upon the very idea of private judgment, which you have now before you; insomuch that if you substitute any other in the room of it, his whole reasoning is subverted at once. The very idea he gives us of private judgment, is that however one may *think* as he pleases, he must nevertheless *act* according to the opinion and direction of others. "Every "single member, he tells us, of every judicature, is indulged "the liberty of differing from the judicature.--------- But if not

"con-

" contented with *this right of private judgment*, they further inſiſt " on the privilege of *acting* in all caſes, [ſuch as appear ſinful to " them you know are the only ones that are pled for] by the di- " rection of their own judgment and conſcience, they claim a " right which indeed belongs to every individual conſidered as an " individual, but which does not belong, and cannot be indulged " to any member of ſociety, or the ſubjects of any juriſdiction, " civil or eccleſiaſtic *." " In all caſes, ſays he, *which bear* " *debate, and admit a difference of opinion*, they [*viz.* inferior " officers in civil government] ſcruple not to execute the judg- " ment of their ſuperiors, in contradiction to their own.------- " And what a reproach is it to clergymen to acquit themſelves " ſo ill in duties which are ſo well underſtood, and ſo uniformly " practiſed by others †?" And again, " To me it is ſtill evi- " dent, that there can be no government nor ſociety, civil or " religious, without the individuals conforming themſelves, *in* " *all diſputable matters*, to meaſures eſtabliſhed by lawful autho- " rity, and not to their own ideas of right and wrong, fit and " unfit ‡." I ſhall only add one paſſage more. " What appears, " ſays he, to be the mind of God on any diſputable ſubject, is, " and ought to be the rule of our judgment on that ſubject, and " of our practice too in private life; but cannot in modeſty, or " propriety of ſpeech be called the mind of God on that ſubject, " becauſe it may be otherwiſe: It can only be reckoned our beſt " judgment about the mind of God, and as ſuch cannot be pled " in excuſe of our diſobedience to lawful authority; it being un- " doubtedly the mind of God, that *in all diſputable matters* we " ſhould conform, not to our own judgment, but to the com- " mands of our ſuperiors ‖."

§. 7. It were to be wiſhed that people could, in the heat of controverſy, carry their views a little beyond the particular caſe that has occaſioned the preſent debate. Let us, if you pleaſe, abſtract from the diſputed deciſions of our aſſemblies, and apply the ſame principles to ſome other eccleſiaſtic commands, that we may try their ſtrength, and be more ſenſible of their conſequences, and to ſhew you, that after all theſe parryings at long weapons, you muſt at length come to cloſer grips, and that a deciſion of our differences muſt depend upon a diſcuſſion of the particular point in queſtion, I mean how far the violent ſettlements that have been appointed are lawful or ſinful. And by the by, don't you ſee the neceſſity of coming to this at laſt by the manner of our author's warding off the objection, " That his rea- " ſoning,

* Ib. p. 8. † p. 10. ‡ p. 21. ‖ p. 23.

" ſoning, carried its full length, will eſtabliſh all the claims of " power in the church of *Rome** ?" He cannot help owning, you ſee, that it does eſtabliſh what he is forced to call their *juſt* claims of power, and thinks it nothing the worſe for that. And all the difference he is pleaſed to aſſign is only, that the church of *Rome* have made a bad, and the church of *Scotland* has made a right uſe of it, that they do nothing but what is " neceſſary " for promoting the intereſt of Chriſt's kingdom, and the execu- " tion of his laws." Now upon this, let me only make theſe two obſervations. In the firſt place, though we ſhould grant him this, what does it ſignify to his argument? His argument is, that it is not our ideas of right and wrong, nor what appears to us to be the mind of God in any diſputable ſubject, that in ſociety is the rule of our practice, nor can our beſt judgment about the mind of God be pled in excuſe of our diſobedience to lawful authority; it being undoubtedly the mind of God, that in all diſputable matters we ſhould conform, not to our own judgment, but to the commands of our ſuperiors. Let the church of *Rome* have done ever ſo wrong then, as it is undeniably in diſputable matters, according to his own interpretation of *diſputable*, he has precluded himſelf from taking any advantage of this againſt them. For thus his argument ſtands: You muſt obey your ſuperiors, let what they enjoin be right or wrong. *Obj.* Then the church of *Rome* muſt be obeyed. *Anſw.* No, the church of *Rome* enjoins what is wrong. Is not this very pretty arguing, gentlemen?

In the ſecond place, I muſt obſerve, that as the firſt branch of his anſwer can ſtand him in no ſtead, ſo the ſecond branch of it is a meer begging of the queſtion. Our very objection againſt executing the violent ſettlements appointed by the aſſembly is, that we ſee with our eyes they are actually deſtroying the intereſt of Chriſt's kingdom, and are directly in contradiction to his grand law of edification. Had he undertaken to ſhow that we are miſtaken in this, and uſed any mediums to defend theſe appointments and to convince us that they are *neceſſary for promoting the intereſt of Chriſt's kingdom*, this would have been ſomething to the purpoſe. But inſtead of this, in imitation of the moſt ſkilful defenders of the church of *Rome*, who do all they can to wave a particular diſcuſſion of the points in difference between us, and prefer the *via autoritatis* to the *via examinis*, he undertakes to fight us at long weapons, and to ſtave off the diſcuſſion of this by taking up the argument upon a general footing. Admitting, ſays he, that it were ſo, even this would not ſuperſede your

* Ib. p. 7.

your obligation to obedience, when the command of lawful authority is once interpoſed, it being undoubtedly the mind of God that in all diſputable matters we ſhould conform, not to our own judgment, but to the commands of our ſuperiors. How! ſay we, were our forefathers at the reformation guilty of rebellion in not conforming to the commands of their ſuperiors in the church of *Rome?* O, replies he, "there is no occaſion to mention the "tyranny of the church of *Rome*: nor ought advantage to be "taken of mens averſion to it, to weaken *the mild and juſt* go-"vernment of the church of *Scotland*, who enjoins nothing but "what is neceſſary for promoting the intereſt of Chriſt's king-"dom, and the execution of *his* laws." Now is it poſſible to ſuppoſe him ignorant that if this had been yielded on all hands, there had been no occaſion for his pamphlet? And if, inſtead of bringing another medium to prove this, (for his own word is all we have for it), he makes uſe of this as a medium to prove the general point, or at leaſt to ward off an objection, can there be a more manifeſt begging of the queſtion?

But let us, if you pleaſe, try how his principles would do upon other occaſions. Let us ſuppoſe for example this author one of the *Engliſh* Diſſenters ejected by the famous *Bartholomew* act, and let us imagine a rigorous Conformiſt attacking him upon his own principles. Pray, Gentlemen, let us hear how he would have defended himſelf upon ſuch an occaſion.

PH. What puts it in your head, *Theodulus*, to ſuppoſe a man of his principles a diſſenter, or ejected? Suppoſe him upon ſuch an occaſion acting agreeable to his principles, will that think you, neceſſarly infer that they are wrong ones? I hope you'll allow that at that time there were good and wiſe men among the Conformiſts as well as among the Nonconformiſts.

TH. Sir, I beg your pardon, if I have ſaid any thing that leads you to ſuſpect the contrary. The truth is, I did take it for granted that the author was a Preſbyterian miniſter who had ſolemnly declared and ſigned his perſuaſion that the doctrine, worſhip and government of the church of *Scotland* was founded upon the word of God, and agreeable thereto. And I own that upon *my principles*, I cannot reconcile *ſuch a perſuaſion* with the conformity that was then inſiſted upon, and ſo eagerly contended for, in ſtrains that, I am ſure, were no higher than what we meet with in this pamphlet. But as many of the Diſſenters did then ſhow, That (as our author himſelf expreſſes it) *this reaſoning carried its full length, will eſtabliſh all the claims of power in the church of* Rome, and he expreſly renounces Popery; let us try whether there is a corruption in that Antichriſtian church,

church, to which the refuſal of conformity could be defended upon his principles.

Ph. Well then let us hear how you could compel me upon theſe principles to worſhip images.

Th. Allow me then for a moment to take the character of a biſhop in communion with the *Roman* ſee, on a viſitation of his dioceſe, while you perſonate a prieſt at whoſe pariſh church he is arrived. And let us ſuppoſe it after the ſecond council of *Nice*.

Ph. Truly, Sir, I believe I took enough of the clerical character upon me, when I was ordained a Preſbyterian elder in the church of *Scotland*, and have no ambition to advance any higher in the order. But as my pariſh prieſt is here, I hope, *Andropodius*, when you ſee any of your flock ſet upon by a wolf, you will be ſo faithful a ſhepherd as not to leave him defenceleſs. So I ſhall commit the management of this traficking biſhop to your care.

An. Well, *Theodulus*, as long as you chuſe to be a Popiſh Biſhop, I think I need not ſcruple to be a prieſt of the ſame communion, eſpecially as you have aſſigned me a period ſo little diſtant from the primitive times. And if you'll confine your reaſonings to the principles of the letter-writter, I think he has furniſhed me with defences that will be ſufficient to repel your attacks upon this ſubject.

Bishop. What is the reaſon, Mr. *Prieſt*, that you have pulled down the holy and venerable images from the walls of your church? And that you will not ſuffer them, as I am informed, to be replaced, that incenſe and wax-candles may be lighted before them, after ſo expreſs a deciſion of a general council of the church? I, as your immediate ſuperior, who reckon myſelf bound to ſee a regulation that has been enacted by all the authority that is moſt ſacred among men, both civil and eccleſiaſtic, do peremptorily require you to cauſe the images of the ſaints be ſet up again forthwith, and to ſee that in time to come none of the honours decreed to them by the council be wanting.

Priest. You know, my lord *Biſhop*, that my principles do, in moſt caſes, carry me as far as any man in giving obedience to lawful authority. But in this caſe, I muſt ſay that ſo expreſs a prohibition of God himſelf as we find in the ſecond command, ſtartles me to ſuch a degree, that I muſt beg to be excuſed. Nay, I am ready to run the riſk of all that is valuable to me in this world rather than deliberately and knowingly to break ſo plain a divine precept, which I do not think any authority upon

earth, how ſacred and venerable ſo ever, has a power to repeal. I readily yield to "all the juſt claims of power in the church. "But the council of *Nice* hath ſet up claims of power which "can be ſupported by no juſt reaſoning. They have invented "acts of worſhip expreſly forbid by God, and impoſed them as "terms of Chriſtian communion. They have acted as lords, "and not as ſervants in Chriſt's kingdom; uſurping an autho- "rity and dominion over the faith and conſciences of men; "which they not only lawfully may, but are in duty bound to "reſiſt." *

BISH. I ſee "you have not thought enough on this ſubject; "not ſo much as in ſtrict duty you are bound to do †. Is it "poſſible to execute the laws of Chriſt without ſome rules or re- "gulations, if you ſcruple to call them laws, ſuited to the cir- "cumſtances of the church?----- To deny the ſervants of Chriſt "the power of making regulations or laws for the right execu- "tion of the truſt committed to them, is, in effect, to deny them "the power of executing that truſt; and to obſtruct the execu- "tion of theſe laws, or to reſiſt the authority by which they are "executed, is, in effect, to obſtruct the progreſs of Chriſt's king- "dom and to reſiſt the head of the church ‡. When a body of "eccleſiaſtic officers are met together to concert meaſures for "ſpreading the light of the goſpel,----for cutting off from the "body of the faithful, or from their own body ſuch corrupt "members as might [by refuſing obedience to any of theſe re- "gulations] indanger the whole; or for any ſuch purpoſes as "are conducive to the being or well-being of Chriſt's kingdom; "needs any Chriſtian be told, that they are countenanced of "God; and that a reſiſting their authority, is reſiſting God? ‖ "[If you think worſhipping images a ſin], you are indulged the "liberty of differing from the council. But if not content with "this right of *private judgment*, you further inſiſt on the pri- "vilege of *acting* in all caſes by the direction of your own judg- "ment and conſcience, you claim a right which indeed belongs "to every individual conſidered as an individual, but which "does not belong, and cannot be indulged to any members of "ſociety, or the ſubjects of any juriſdiction, civil or eccleſiaſtic: "for the moment that individuals are allowed to follow the di- "rection of their own judgment in all caſes, ſociety diſbands, "and government is ſet aſide §. As it is impoſſible for the in- "dividuals of ſociety always to agree in ſuch meaſures as are "neceſſary for the good of the whole, they muſt of neceſſity con- "vey a power, either to the majority of the conſtituent mem- "bers,

* Ib. p. 7. † p. 17. ‡ p. 6. ‖ p. 5. § p. 8.

" bers, or to perſons approven of by the ſociety, to appoint " ſuch meaſures as are in their beſt judgment for the public weal, " and bind themſelves to a *ſtrict* conformity with theſe mea- " ſures; and this original ſettlement is ſo fundamental and ſo " eſſential to the being of ſociety, that if the individuals of any " ſociety ſhould at any time annul it, the ſociety is diſſolved *. " For what can be more contradictory than theſe two princi- " ples; an obligation to ſtand to the deciſion of others in ſome " caſes; and a privilege of following the direction of our own " judgment and conſcience in all caſes without exception? Or " what can be more chimerical than a conſtitution of govern- " ment, all the officers of which are left at full liberty to exe- " cute or not execute the commands of their ſuperiors, as they " judge them fit or unfit, conducive to the public weal or other- " wiſe? To me it is plain that you are labouring to reconcile " inconſiſtencies: authority in the ſuperior, with the unlimited " exerciſe of liberty in the ſubject. And the moſt favourable " conſtruction I can put on your conduct is, that from a fond- " neſs for liberty of conſcience, you have undertaken to frame " a plan of government, ſo eaſy, ſo ſlack, ſo gentle, as never " did, and never will exiſt, till we come to *the new heavens and* " *the new earth, wherein dwelleth righteouſneſs* †. As ſociety " is neceſſary in the exerciſe and enjoyment of religious as well " as civil rights and privileges, and as all ſociety is counte- " nanced of God ſo far that the powers eſſential to it are in " ſcripture declared to be ordained of God; it muſt undoubtedly " be the mind of God, that all the members of ſociety, civil or " religious, ſubmit to the exerciſe of theſe powers; and no " member can have authority from God and a good conſcience " for doing otherwiſe. And if any member ſhall, upon his own " ideas of right and wrong, fit or unfit, refuſe ſubmiſſion to the " exerciſe of theſe powers, he ſets up his own judgment in op- " poſition to the mind of God, and upon the authority of his " own judgment reſiſts the ordinance of God ‡. If you aſk me, " how a good man ſhall get the better of that inward regrete " and uneaſineſs of mind which he muſt ſuffer on executing ſuch " commands of his ſuperiors as he condemns in his judgment? " My anſwer is, That he ought not to attempt it, but to ſup- " port himſelf the beſt he can by the teſtimony of a good con- " ſcience. I believe a wiſe and good man will much rather chuſe " to ſubmit to this uneaſineſs, great as it may be, than by diſ- " obeying the commands of lawful authority, indanger the peace " of the ſociety of which he is a member. And I appeal to you

whe-

* Ib. p. 21. † P. 14. ‡ P. 22.

"whether this has not been the practice of the wiſe and good "in all ages; and whether they who have acted otherwiſe have "not been remarkably deficient in one or other, or both theſe "qualities. No doubt the church ought to grant all the indul-"gence in ſuch caſes which can be granted in a conſiſtency with "good order, and it is not to be doubted that it will be granted "to you ſcrupulous brethren, *after you have approven yourſelves* "*as dutiful ſons of the church*: But till then, I am afraid, it will "be impoſſible to procure you any indulgence, becauſe it will "be impoſſible to perſuade people that your ſcruples flow from "conſcience *. A caſe may and does happen, I own, of one "hard preſſed, on the one hand, by a conſcientious regard to "the commands of lawful authority, and on the other, by a fear "of incurring guilt in ſome particular inſtances, by obeying "theſe commands. But this is a caſe which we have not met "with in our time. Hitherto we have had to do with thoſe "whoſe ſcruples were all of one ſide, and who ſeemed to pique "themſelves on diſobeying. †"

PRIEST. "Let it be obſerved, that there are ſome rights of "judging, which we can, and others which we cannot transfer "to our ſuperiors; and that in the former we may be determin-"ed by the judgment of our ſuperiors, and in the latter we may "not. One cannot give another a right to judge for him of "doctrines evidently taught in ſcripture; becauſe there he him-"ſelf is precluded by the higheſt authority. As little can one "give another a right to judge for him in matters of right and "wrong, ſo plain and obvious as does not admit the leaſt diſ-"pute; for there alſo his judgment is determined by the ſame "ſupreme authority ‡. This power ſo eſſential to ſociety, can-"not be extended to things manifeſt, ſo as to oblige the mem-"bers to conform to meaſures manifeſtly wrong. If therefore "they who are entruſted with the exerciſe of this power, ſhall "appoint meaſures which are manifeſtly contradictory to the "command of God, they have exceeded their powers, and u-"ſurped a power which was not given, and have no right to be "obeyed ‖. The command of [the council of *Nice* to worſhip "idols, like that of] the *Jewiſh* rulers to *Peter* and *John*, was "manifeſtly wrong, being in manifeſt contradiction to the com-"mand of God; and therefore I am under no obligation to o-"bey,

* P. 24. *N. B.* Can no ſcruple be ſuppoſed to flow from conſcience but ſuch as one can act in oppoſition to? What can be the meaning of granting indulgence to ſcrupulous brethren after they have complied with the thing ſcrupled at, *i. e.* when they have no ſcruple to be indulged in?

† P. 11, 13. ‡ P. 8. ‖ P. 21, 22.

" bey, and my diſobedience is no violation of the rights of the " council, or the fundamental laws of ſociety *.

BISH. Your miſtake, I find, lies in your notion of *manifeſt*. and therefore I muſt ſet you right upon this ſubject, which will put an end to all your wrangling. You conclude that to be manifeſt which appears ſo to you, wherein you moſt egregiouſly err. For nothing ought to be called *manifeſt*, how clearly ſoever you may perceive it to be ſo, that " admits the leaſt diſpute, " or where different perſons, by the exerciſe of their intellectual " powers, have different judgments; in all ſuch caſes, one may " transfer his right of judgment to others, ſo far as will oblige " him to ſtand to and acquieſce in their judgment, in contra- " diction to his own ‖. The judicatures of the church may, " and in ſome caſes, no doubt, do miſtake the intereſt of Chriſt's " kingdom; but in no caſe have they exceeded the powers com- " mitted to them, ſo as to abſolve their ſubjects from obedi- " ence §. If they appoint meaſures which are not *manifeſtly* " wrong, but *appear in one light to ſome, and in another light to* " *other* ſubjects, and in their own beſt judgment appear to be " right meaſures, they are in the exerciſe of that very power " which was conveyed; and all the ſubjects are ſtrictly bound " by the original ſettlement and fundamental laws of ſociety to " conform to theſe meaſures. And if one or more ſubjects ſhall " pretend to have reſerved to themſelves a right of following " the direction of their own judgment, and on that pretence re- " fuſe to comply with theſe meaſures, they have dealt deceitful- " ly, have violated their original engagement, attacked the foun- " dation of the ſociety, and attempted, as far as in them lay, its " diſſolution, and thereby forfeit all its privileges ‡. It may be " alledged in vindication of theſe clergymen, that what is mani- " feſt to one, is not ſo to others; and therefore ſome indulgence " is due to thoſe who *cannot help thinking a ſentence manifeſtly* " *wrong*, which may not appear ſo to others. But it ought to " be conſidered, that what is in its own nature manifeſt, *appears* " *equally ſo* to all who are qualified to judge of the ſubject. And " if one finds, that what is manifeſt to him, is not ſo to others of " equal candour and capacity with himſelf, *he ought to conclude*, " that it is not in its own nature manifeſt, but diſputable; and " therefore ſubjected to the cogniſance of thoſe to whoſe deter- " mination he ought to ſtand; and that *its appearing manifeſt* " to him is owing to ſomething wrong in himſelf, which it is " his duty to correct. But if, through wrongneſs of head, or " corruption of heart, or both, he will not correct his violent " con-

* Pag. 22, 23. ‖ P. 9. § P. 8. ‡ P. 22.

" conceits, but hold them for manifeſt truths, and regulate him-
" ſelf by them; it is incumbent on his ſuperiors to conſider him
" as an ill member, and a worſe office-bearer in ſociety. And
" however his folly and perverſeneſs may be overlooked as far as
" they ſafely can, he is no more to be truſted, (eſpecially in
" troubleſome times) with any ſhare in the government, than
" a coward is to be truſted in time of war with a military com-
" mand; being as unqualified for the one as he is for the other;
" and it being in both caſes highly criminal to ſacrifice the pub-
" lick ſafety to private regards †. No doubt, every member of
" our eccleſiaſtic judicatures will give all the indulgence, which,
" conſiſtently with this truſt, can be ſhewn to offending brethren;
" but to ſacrifice a truſt ſo ſacred and important to the ſuppoſed
" or real merit of delinquents, to the ſollicitation of their friends,
" or the clamours of an ill-informed and ill-judging multitude,
" is a weakneſs, a baſeneſs, and a degree of perfidiouſneſs, of
" which it is hoped few miniſters of the goſpel will be guilty ‡."

PH. What! are you run aground already, *Andropodius?* I am glad to call you by your own name again. For I began to be under a violent apprehenſion, that if you continued long a prieſt, and he a biſhop, he would have made another Mr. *Gilleſpie* of you.

TH. Sir, I make no doubt, but he would have made a better defence againſt the biſhop, had he been left to his own liberty. But upon the principles of your pamphleteer, it was impoſſible to make another reply. He could not ſurely have the impudence to tell the biſhop, who may be ſuppoſed to have been a member of the council of *Nice* himſelf, and to be as much in earneſt on the one hand, as he was on the other, ſo notorious, and ſo unmannerly a falſhood, (which yet was the only evaſion that remained), as that the worſhip of images was not a *diſputable* point, a thing *that admits the leaſt diſpute*, or that *appears in one light to ſome, and in another light to others*. He could not ſay that the ſinfulneſs of it *appeared equally to all who were qualified to judge of the ſubject*, or that it was not a queſtion about which *different perſons had different judgments*. If our author had but allowed that to be manifeſt which appears to be manifeſt, then manifeſt things would have been a *real* exception. But as that which appears to be manifeſt, it ſeems, is not manifeſt; ſo that which appears to be an exception, is not *really* an exception at all. The doctrine of unlimited obedience is laid down as abſolutely, as if *things manifeſt* had not been made the leaſt mention of in the whole pamphlet. The truth is, the only uſe the author had

† Pag. 10. ‡ P. 11.

had for them, was to get rid of an objection, and when once they had ſerved that purpoſe, he rids himſelf of them again, by explaining them quite away. And indeed, unleſs it be to give a plauſible colour to the author's doctrine, there is not another uſe they can poſſibly be applied to. For *whatever* impoſition an inferior *can* at any time have occaſion to reſiſt, the very impoſition of it, or its being the deed of a majority in any judicature, does, in the nature of the thing, neceſſarily imply that it is none of our author's manifeſt things, but *appears in one light to ſome, and in another light to others.*

This performance cannot be better repreſented than in the author's own words. "You know, ſays he, how common it is for "the human mind to admit contradictory principles; and how apt "we all are to have recourſe to this expedient, in ſupport or "vindication of favourite meaſures, which cannot otherwiſe be "maintained or juſtified; and how with a little dexterous ma-"nagement, ſometimes exhibiting the one principle, and ſome-"times the other, and carefully avoiding to confront the one "with the other, we can hold out in reaſoning, and keep our-"ſelves in countenance with the bulk of mankind, and with "ourſelves too, if we are ſo diſpoſed. And as you muſt have "oft obſerved this practice, even in men of character, you will "not think me harſh or uncharitable in ſaying, that [this gen-"tleman] has ſlipt into it. For what can be more contradicto-"ry than theſe two principles*? That there are ſome rights "of judging, which we cannot transfer to our ſuperiors†; and "that if ſuperiors appoint meaſures which appear in one light to "ſome, and in another light to other ſubjects, and in their own "beſt judgment appear to be right meaſures, they are in the ex-"erciſe of that very power which was conveyed. And if one "or more ſubjects ſhall pretend to have reſerved to themſelves a "right of following the direction of their own judgment, and "on that pretence refuſe to comply with theſe meaſures, they "have dealt deceitfully‡, *&c.*" Which evidently and abſolutely exhauſts all the differences that can ever be imagined to be between ſuperiors and inferiors, and every poſſible occaſion that a ſubject can be ſuppoſed to have for the exerciſe of private judgment.

§. 8. There is one thing, gentlemen, which I muſt obſerve to you upon this occaſion, that nothing whatever is more apt to raiſe duſt, and involve a diſputed queſtion in obſcurity, than the uſing of common words in a ſenſe different from that in which

* Pag. 14. † P. 8. ‡ P. 22.

which they are uſually taken. I cannot help calling it one of the unfair arts that diſputants have ſometimes recourſe to. When they would ſeem to yield a truth which they dare not give up, then the word is to be taken in the uſual ſenſe. Bnt when they come to argue in favour of their own hypotheſis, which is perhaps directly in contradiction to the truth, then a quite different ſenſe muſt, by a ſort of ſlight of hand, be ſlipped into the place of the uſual one. We have had one inſtance of this in the word *manifeſt*. When it was yielded that one could not give another a right to judge for him in things manifeſt, I dare ſay ye had no ſuſpicion but that this was to extend to caſes where one would have occaſion for it, that, for example, though the greateſt part of the Chriſtian world ſhould think it a right thing to pay divine honours to a conſecrated wafer, and the whole rulers of the ſociety ſhould require me to do it under the ſevereſt penalties, yet the ſinfulneſs, the idolatry of this being manifeſt, I am under no obligation to obey them. Yet you ſee, when the argument requires it, nothing is manifeſt that different men have different judgments about. A phraſe which has juſtly become a favourite one among all true Proteſtants, may furniſh us with another inſtance of this, viz. *private judgment*. When Proteſtants claim a right of private judgment, pray tell me, *Andropodius*, what it is they inſiſt upon, and what they mean by that expreſſion?

An. Why, I take it to be a right belonging to every particular perſon of examining into every article of religion, or whatever is propoſed to him as ſuch, or as a duty preſcribed to be performed by him, ſo as to pronounce thereupon not a publick judgment, which is to affect others, but ſuch as is neceſſary to regulate his own perſonal conduct.

Th. Suppoſe you were commanded by authority to adore the Hoſt, or to worſhip images, and you ſhould claim the right of *private judgment*; the chief thing I want to know of you, is, in caſe you ſhould get for anſwer upon ſuch an occaſion; "Yes, "by all means, you ſhall enjoy your right of private judgment "in its full extent, *i. e.* you have liberty to think both of theſe "practices deteſtable in the ſight of God, and even the groſſeſt "idolatry, if you pleaſe, provided at the ſame time you do not "refuſe to comply with the actions that are enjoined you;" whether you would be ſatisfied with this, as granting the whole of your demand? Or whether you think the right of private judgment does not extend to actions, but regards only the opinion of them entertained in our minds?

An. He would ſurely be of a very philoſophic complexion, Sir, who would not be highly provoked at ſo cruel an inſult.

But

But what is all this to the author of the letters on obedience? I dare venture to undertake for him, that he would never be guilty of mocking any of his brethren at ſuch a barbarous rate.

TH. Sir, it is not only he that treats us in this manner, but every one who has yet appeared on your ſide of the queſtion, except the author of *The juſt View of the Conſtitution*, &c. who, to do him juſtice, has expreſly aſſerted, that *it is in the power of no ſociety under heaven to force any man to act contrary to the dictates of his own mind.* The author of the letters on obedience tells us, "Every ſingle member of every judicature is indulged "the liberty of differing from the judicature, and entering his "diſſent: ſo that none can complain that their *right of private* "*judgment* is invaded, or that the dictates of their conſciences "are over-ruled by the authority of the church. But if not con-"tent with this *right of private judgment*, and this liberty of "exonering their conſciences, they *further* inſiſt on the pri-"vilege of *acting* *, &c." Where you ſee, that by *private judgment*, he means nothing but the opinion one forms of things in his own mind, and that in oppoſition to his acting in a correſpondence thereto. He expreſly diſtinguiſhes the one from the other, limits the ſenſe of private judgment entirely to the firſt, and ſpeaks of the ſecond as ſomething *further*. Nay, he aſſerts, that we ought to be *content* with the firſt, and that the other *does not belong to any member of ſociety*. The very claiming of it, he repreſents as a *ſetting up our own judgment in oppoſition to the mind of God, and a reſiſting the ordinance of God upon the authority of our own judgment* †. Such a claim is no better treated by the author of *The general Aſſembly vindicated*. He calls it the *ſetting up our own private judgment in oppoſition to the authority of the church* ‡. And as ſuch repreſents it as a moſt unreaſonable demand. The diſſenters from the commiſſion in *March* 1752. affirm, that "no ſooner is any regulation enacted, than "*private judgment* is ſo far ſuperſeded, that even they who diſap-"prove it, are, *notwithſtanding*, bound to obey ‖." And they think "it very conſiſtent with conſcience, for inferiors *in their own minds* "*to diſapprove* a judgment, and yet to put that judgment in exe-"cution §." And this they, at the ſame time, aſſert is "allowing "to the right of *private judgment* all the extent and obligation "that reaſon or religion require ‡‡." But there is one paſſage more which I muſt beg your attention to, becauſe it will make you ſenſible how far the ſenſe of that phraſe, *private judgment* is limited by theſe gentlemen. It is in a note at the bottom of

* P. 8. † P. 22. ‡ P. 23, 27, &c. ‖ P. 2. § P. 7. ‡‡ P. 6.

pag. 5. where we have theſe words: "Thoſe who tranſgreſs the "laws of Chriſt, have often been weak or wicked enough to "juſtify their actions, by the authority of conſcience, and regard "for his will. Whether they are ſincere or not, no human under-"ſtanding can determine. Their guilt or innocence is known "only to themſelves. It is a matter entirely of *private judg-"ment.*" Here advantage ſeems to be taken of the double *entendre* of the *Engliſh* word *private*, as if it was uſed in this phraſe to denote, not a thing's being perſonal, or belonging to an individual in the character of a ſubject, but what is ſecret, or within one's own breaſt. From all theſe paſſages taken together, I appeal to yourſelf, whether you, and the champions that have appeared for your cauſe have the ſame ideas annexed to the phraſe *private judgment?* And whether they have not reduced it ſo low, that it is really a thing not worth the contending for? A privilege, (if, in their ſenſe of it, it can be ſo called), which we may ſafely bid defiance to all the powers on earth to deprive us of, and which we cannot, if we would, diveſt ourſelves of? A privilege which the poor Proteſtants of *France*, after they were dragooned into compliance near ſeventy years ago, could ſtill boaſt of? For many of them declared that they never were more zealous Proteſtants, never hated Popery more than after their outward conformity *.

AN. I frankly own to you, *Theodulus*, that I cannot diſſemble my real concern for the exceſſes which, I now ſee, party-contention has led ſome of my friends into, and that upon a ſubject which was wont, you know, to be a favourite one with myſelf. If private judgment muſt be given up, or explained away, to ſupport the meaſures I have hitherto voted for, I doubt not but your prophecy may come at laſt to be fulfilled, that I will tire of ſuch meaſures.

PH. Gentlemen, I wiſh you may not be running too faſt with your Proteſtant principles. 'Tis poſſible that ſome of our pamphlet-writers may have dropt ſome unguarded expreſſions, and perhaps, in the over-abundant warmth of their zeal, carried the matter a great deal too far, which I acknowledge, inſtead of pro-

* Such a liberty the poor bird in the cage may celebrate, and fancy herſelf a citizen of the woods, when ſhe's confined within the grates of her little cloyſter; ſuch a one the priſoner may flatter himſelf with: and it reminds me of what I obſerved th' other day paſſing in the ſtreets, this gilded inſcription invited my eye, *Pray remember the poor freemen that are priſoners in Ludgate.* Poor freemen indeed, (thought I), who have only the freedom to tell how they have ſerved an apprenticeſhip with a maſter, and now muſt ſerve a double, perhaps a perpetual one with the goaler. *Alſop's Melius inquirendum*, p. 343.

promoting, never fails, in the iſſue, to hurt a cauſe. But for all this, the truth may lie in a moderate degree of the very thing which they have driven to an exceſs. Tho' ſome things that are *manifeſtly* evil may often have been pled for, and impoſed by ſuperiors; yet are there not really different degrees of evidence? Are there not ſome things, *Theodulus*, that are not manifeſt to yourſelf? And may you not yield that when authority is interpoſed in ſuch caſes at leaſt, 'tis certainly your duty to obey?

Th. Sir, I muſt obſerve to you in the firſt place, that if this were to be granted to you, it would not ſerve the purpoſe. For how many things ſo ever there may be that I doubt of, the evil of ſuch violent ſettlements as are the preſent ſubject of diſpute is none of them. I muſt abſolutely ſhut my eyes, to avoid the manifeſt and offenſive glare of it. About 30 or 40 years ago it might have been ſomewhat doubtful perhaps whether they would have proven ſo deſtructive to the intereſt of Chriſt's kingdom as in fact and experience they now appear to us to be. What was then problematical to ſome of us, and indeed only to *ſome* of us, is now clearly decided, and appears much more *manifeſtly* than we could wiſh. The letter-writer no doubt laid his account with this anſwer; and therefore tho' it has driven him farther from the *truth*, he keeps cloſer to the *cauſe* than you do. He eaſily ſaw that to plead for compliance in one who is himſelf the doubting perſon, would not have ſerved the purpoſe of his argument. He was therefore obliged to caſt about for a ſenſe of the words *doubtful* and *manifeſt* that was independent of ones own perſonal views. This led him to fix upon thoſe things only for *doubtful*, that there were different ſentiments about, and upon thoſe things only for *manifeſt* about which there was no difference among mankind, and conſequently an impoſſibility that ever there could be a ſingle inſtance of their impoſition upon a reluctant individual. So that if he has run into any exceſs, it is the courſe of his argument that has driven him up to it.

But I muſt likewiſe obſerve to you in the ſecond place, that how little ſo ever our cauſe ſtands in need of any other reply, I am extremely concerned to ſee ſuch corrupt morality, and ſuch erroneous caſuiſtry vented and propagated by clergymen, and from the preſent circumſtances of the church, I am ſenſible it muſt be with impunity. I am not at all ſurprized, *Philarchus*, at your adopting ſuch ſentiments. I own, tho' with extreme regrete, that it is the doctrine of many at preſent, whoſe buſineſs it is to inculcate a purer and more Chriſtian *morale* upon the people. But, Sir, except when party views have led people to

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ſay ſo, particularly in the caſe of ſome high Conformiſts in the church of *England*, the contrary has always been an eſtabliſhed maxim among ſound caſuiſts*. I will venture to ſay that (making allowance for the above exception, which I am afraid has miſled ſome of our brethren) this doctrine about complying in doubtful things, which ſeems now to be the laſt refuge of our obedience-mongers, is uniformly rejected by, I do not ſay Proteſtant writers only, but even by the *Romiſh* caſuiſts and the very Heathens themſelves, among whom it was a ſtanding maxim: *Cautiſſimi cujuſque praeceptum, quod dubites, ne feceris.*

It ſeems to be univerſally agreed that in order to the forbearing of an action it is ſufficient that one *doubt* of the lawfulneſs of it; whereas in order to the doing of it, one muſt be free of all doubts concerning the lawfulneſs or ſinfulneſs of it, if he would not offend God and wound his own conſcience, or really ſin, by venturing on a feared ſin. Abſtracting from the chimerical caſe put by the author of the letters, of a thing being manifeſt to the perſon himſelf, who is yet obliged, he ſays, to conſider it as not manifeſt, but diſputable, if it is not likewiſe manifeſt to every one elſe; abſtracting from this, and conſidering the matter with reſpect to the agent's own apprehenſions, as you ſeem now to ſtate the caſe, his conſcience may be ſuppoſed in a variety of different ſtates. *Firſt*, He may have a violent ſuſpicion of an action's being ſinful, and be ſtrongly inclined to think ſo, upon good and ſufficient grounds. *Secondly*, He may have ſuch a ſuſpicion, but upon miſtaken and inſufficient grounds. *Thirdly*, He may doubt in the ſtricteſt ſenſe of the word doubt, *i. e.* altogether ſuſpend his judgment, and decline pronouncing any

* In memoriam revocanda hic regula eſt, quae a Caſuiſtis, ut vocantur, ubique inculcatur. Ut credam et agam; neceſſe eſt ut ſciam, id quod credo, eſſe verum; et id quod ago eſſe bonum et licitum. Sed ut non credam et non agam; non neceſſe eſt ſcire id quod non credo falſum, et id quod non ago, malum et illicitum eſſe. Sufficit, ut verum an falſum, bonum an malum ſit, neſciam. *Quicquid enim ex fide non fit*, i. e. conſcientia de actionis bonitate dubitante, *peccatum eſt.* Quae regula uſque adeo ſanae rationi congruit, ut Ethnicis etiam nota fuerit, qui, Cicerone referente, *nihil faciendum praeceperunt de quo dubites, aequum ſit an iniquum.* Werenf. Diſſ. pro Plebis judicio, &c.

Negat id ſe facere poſſe per conſcientiam, *i. e.* veretur ne Deum offendat, ſi id faciat. Errat, fateor; ſed quamdiu ita errat, revera id facere ſine ſcelere non poteſt. Vere enim Deum offendit, quiſquis facit id quo Deum putat offendi. Quando itaque hominem, dum in iſta perſuaſione haeret, ad id faciendum cogis, ad ſcelus cogis, ad Deum offendendum cogis, quod ſine impietate a te fieri nequit. *Id. de jure Magiſtratus in Conſcientias.* This paſſage was wrong printed, p. 65. of the firſt conference, and was not right corrected in the table of Errata. I have therefore upon this occaſion inſerted it over again.

any thing concerning an action that is in itſelf evil. *Fourthly*, He may be in the ſame doubtful ſtate with reſpect to an action that is in itſelf innocent, but which he does not clearly perceive to be ſo. Now, Sir, ſo far is any man from being obliged by the higheſt authority on earth to do an action, which he *knows* to be ſinful, tho' others do not know ſo much, that a good caſuiſt would not allow him to do it, even in the laſt, which is the moſt favourable caſe of this kind that can be put. It is upon this occaſion that moraliſts make ſo much uſe of that rule, *Bonum oritur ex integris cauſis, malum ex quolibet defectu.* An action is unacceptable to God, tho' the matter of it, and even moſt of the circumſtances too, be right, if any one eſſential circumſtance be wrong, or any of the conditions neceſſary to a good action be wanting, of which this is a moſt eſſential one, that it appears not to be forbidden by God. Tho' I ſhould think it right, yet if it really be not ſo, and my ignorance of this is not invincible; and on the other hand, tho' it ſhould really be ſo, yet if I doubt of this; in neither of theſe caſes, would it be acceptable to God.

It is no wonder that the caſuiſts are ſo unanimouſly agreed in this: for it is moſt expreſly decided by a much higher and better authority, *viz.* by an inſpired apoſtle in the 14th chap. of the *Romans*. *One man*, ſays he in the 5th verſe, *eſteemeth one day above another: another eſteemeth every day alike. Let every man be fully perſuaded in his own mind:* πληροφορείσθω, fully aſſured, as the margin of our bibles has it. Again in the 14th verſe, *I know, and am perſuaded by the Lord Jeſus that there is nothing unclean of itſelf: but to him that eſteemeth any thing to be unclean, to him it is unclean.* And he concludes the chapter in theſe words. *Happy is he that condemneth not himſelf in that thing which he alloweth. And he that doubteth is damned if he eat, becauſe he eateth not of faith: for whatſoever is not of faith is ſin.* Nothing could be more clearly decided. Here the moſt favourable ſuppoſitions are made, that the action is, in itſelf really innocent, that the perſon has but a doubt of its innocency, and yet upon theſe ſuppoſitions, the apoſtle expreſly declares it ſinful to act in ſuch a caſe. And indeed to behave otherwiſe would be to declare plainly that we have neither that regard for the authority of God, nor that concern for the ſalvation of our own ſouls that we ought to have. If we had that regard for the divine authority which the incomparable ſuper-eminency of it juſtly challenges at our hands, no human authority would have the leaſt weight with us, till once the authority of God in oppoſition thereto was quite out of the queſtion, as it is only in

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ſuch a caſe, that *men* have any authority at all. It muſt be a very low degree of love to God that will not keep us from venturing upon a thing at the command of any man, that, for ought we know, may be diſpleaſing to him, and when we have but a ſuſpicion of its being forbidden by him. Therefore our form of proceſs concludes a woman guilty of adultery who ſuffers a man to lie with her, that, for ought ſhe knows, may be a married man, tho' ſhe does not know that he is. And ſurely, if ſin were thought as unfriendly to our ſouls as poiſon is to our bodies, no created authority would induce us to commit what we had any reaſon to apprehend was morally evil: for it is ſcarcely to be ſuppoſed that we would think ourſelves obliged thereby to drink off a bowl, which we ſuſpected was full of poiſon, even tho' the certainty of it was not altogether manifeſt. Let me aſk you, Sir, if a *Jew* was required to communicate with Chriſtians at the Lord's ſupper, ſuppoſe him to have begun to entertain ſome doubts about the truth of his own religion, which he was reſolved to enquire more narrowly into, but, in the mean time, ſtill inclined to think that our bleſſed Saviour was an impoſtor, would you think it incumbent upon him in this doubtful ſtate, and while his inclination to his own religion continued, to comply with what was enjoined him in mere obedience to any authority upon earth?

I thought it neceſſary, *Philarchus*, to take ſo much notice of what you ſaid, becauſe 'tis the only refuge that I find is now fled to upon this part of the argument, and is maintained not only by the other writers on your ſide, but by the author of *The Juſt View*, &c. who has ſo explicitely (I mention it again to his honour) and ſo frankly owned the right of private judgment as a thing that there may, in ſome caſes, really be occaſion for. But neither he nor the letter-writter has given me the trouble of any *arguments* on the point, a ſort of commodity of which I obſerve a miſerable famine on that ſide. Nothing but the old rant, which we are now become ſo familiar with, of *ſociety being diſſolved*, and *government at an end*. Take but theſe hyperbolical phraſes from them, and for ought I ſee they are ſtruck dumb, which is an evidence of a very deplorable poverty, either of invention in the writers, or which indeed I take to be the caſe, of the cauſe which they have undertaken to defend.

An. I ſhall frankly own to you, *Theodulus*, that one's being engaged on a ſide of any publick diſpute, contributes, in a great meaſure, to prevent our perceiving whither the arguments that are made uſe of on that ſide are apt to lead us. The arguments which have hitherto occurred I cannot deny but that in my ſimplicity,

I have not only approved in others, but uſed them on ſeveral occaſions myſelf. But, at the ſame time, I hope you believe me to be ſo thorough and ſincere a Proteſtant, as not only to give up, but even to deteſt every thing that is inconſiſtent with the right of private judgment, which, I do aſſure you, I have a greater value for, than to ſacrifice to any party, or to any of their views. I muſt own that I was never altogether without ſome ſuſpicion, that *our* reaſonings had but an unkindly aſpect on this Proteſtant principle. But as they were confidently inſiſted on by ſuch as I am ſure are no friends to Popery, I doubt not but we have hardened one another in them. However, I now give up our whole arguings from the nature of ſociety whether civil or eccleſiaſtic. You ſee I have not been very ſanguine on the ſecond branch of the argument, which I have left to *Philarchus*'s management. The only thing that continues to have ſome weight with me is our own conſtitution and ordination-engagements. Let us now proceed, if you pleaſe, to that, upon which I have ſomething to ſay.

§ 9. Th. Sir, If every body had the ſame impreſſions that I believe you have of the juſtneſs and importance of this Proteſtant principle, and were equally convinced of the neceſſity thereof in religion, a great deal fewer words might have ſerved upon this ſubject. But there are a great many, who, like our friend *Philarchus*, are ſo accuſtomed to the compliances which there is really room for, and are often ſo neceſſary in civil government, that it is with the utmoſt difficulty, if at all, they can be made to comprehend the affairs of religion as not being of the ſame ſort of flexibility. This difficulty, I'm perſuaded, will be found to leſſen in proportion to the concern that any have for the true intereſts of Chriſt's kingdom, and their regard for his own declared will. As he has not left us without ſufficient directions for regulating our proceedings in his courts, and in his name; ſo there are few of theſe whereby the intereſts of religion are not very ſenſibly affected. The conſequence of complying with every thing of that kind will beſt appear by a little reflexion upon the hiſtory of the church, and the deciſions of its judicatories. This is what, I cannot help thinking, our brethren entirely overlook or forget, when they inſiſt ſo highly for obedience to them all. And therefore I beg you would indulge me for a very little, in giving you only a ſmall ſample of ſuch eccleſiaſtic regulations or deciſions, as will but juſt ſerve to recal to your memories perhaps hundreds of others of the ſame ſort, to which you may apply the doctrine of obedience as it has been in vogue

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amongſt us for two or three years bypaſt: which, I am confident, will make you more ſenſible how far it is to be admitted or rejected, than any thing that I can ſay.

And here I muſt begin with obſerving in the general, that in every church that has yet been in the world, there has appeared ſo manifeſt and experienced a tendency to a corruption of religion, increaſing, and threatning the purity thereof uſually in proportion to the temporal ſecurity and proſperity of any church, and to the influence of courts and ſecular grandees in the government of it; and at the ſame time, religion itſelf, and the means of promoting it, are of ſo fixt and invariable a nature, that all Chriſtians have been obliged to agree in the neceſſity of frequently rejecting the determinations of the moſt authentic ſynods and councils, and to ſay, as *Auſtin* did in the caſe of a preſbyter whom he had depoſed, and who threatned to appeal; *Interpellet contra me mille concilia,------- adjuvabit me Dominus, ut ubi ego epiſcopus ſum, illic clericus eſſe non poſſit.* It is not only an obſervation of Proteſtants *, that in fact the deference which the church has yielded to the deciſions of councils, has depended rather upon the matter of ſuch deciſions, than upon the unexceptionable conſtitution or authority of ſuch councils. The Papiſts themſelves, whoſe doctrine upon this ſubject is well known, are yet forced to reject the determination of many a council, as numerous, and more ſo, than thoſe whoſe authority is ſubmitted to: inſomuch that even general councils are diſtributed among them into three ſeveral kinds, under the ſeveral denominations of *reprobata, approbata, et mixta.* And this refuſal of ſubmiſſion to wrong deciſions, has not only been with relation to points of doctrine, but eſpecially to deciſions of particular and perſonal cauſes, as the ordination or depoſition of biſhops, the abſolution or condemnation of particular perſons. For as there always has been, and always will be a ſtruggle between two parties, between a carnal and a ſpiritual intereſt; ſo the laſt will be betrayed and abandoned, if there be no reſiſtance made to the conſtant and unwearied endeavours of the firſt, to oppreſs and perſecute the moſt ſtrenuous ſupporters of true religion, and by bearing down them to bear down the truth maintained by them †.

One of the firſt councils that we meet with in eccleſiaſtic hiſtory, is that which was aſſembled at *Rome* by Pope *Victor*, in the ſecond century, which excommunicated *Polycrates* biſhop of *Epheſus*, and the other biſhops of *Aſia*, that would not follow the uſage

* See the quotation in page 55 of the firſt conference.

† See a treatiſe of Mr. *Baxter*, entitled, *Cain and Abel.*

uſage of the church of *Rome* in the celebration of Eaſter. Now if any one ſhould aſk upon this occaſion, in the words of the author of *The Letters on Obedience*, "When a body of eccleſiaſtic "officers are met together, *&c.*----- needs any Chriſtian be told, "that they are countenanced of God, and that a reſiſting their "authority is reſiſting God?" Allow me to aſk in return; Was ever *Irenaeus* the good biſhop of *Lyons*, who ſo boldly and ſo honeſtly reſiſted this authority, accuſed of reſiſting God? Nay, as this whole matter, for any thing that appears, ſeems to have had very little effect, was the whole church guilty of reſiſting God, in refuſing to comply with the fury of theſe eccleſiaſtic officers?

In the next century we find a great many councils, appointing all thoſe who were baptized by Heretieks to be rebaptized. Is the whole church then, who came afterwards to be ſatisfied that this was diſagreeable to the will of Chriſt, guilty of reſiſting God?

It would be endleſs to recount the councils in the following century, whoſe authority the church was under a neceſſity to reſiſt. A great part of the eccleſiaſtic hiſtory of thoſe times conſiſts in celebrating the renowned names of thoſe who had the courage and the zeal to ſtand out againſt their corrupt actings and proceedings. Then the intrigues of great men, and the influence of courts rendered theſe meetings of eccleſiaſtic officers a reproach and a blot upon Chriſtianity. Tho' the emperor *Conſtantine* was himſelf orthodox, yet he ſuffered himſelf, eſpecially in his old age, to be impoſed upon, and his ſucceſſor *Conſtantius* ſtill more ſo, by *Euſebius* biſhop of *Nicodemia*, and afterwards of *Conſtantinople*, upon the depoſition of *Paul* the orthodox biſhop, by a council under his influence. *Antioch* and *Alexandria* were the next moſt important Sees, both of them in the poſſeſſion of biſhops, famous for their orthodoxy and zeal, whom therefore *Euſebius* reſolved to ruin, truſting to the intereſt he had at court. *Euſtathius* the worthy biſhop of *Antioch* had been one of the moſt active members, and one of the moſt eminent ſpeakers in the council of *Nice* againſt the *Arians*. This *Euſebius* could not eaſily forgive. He got a council aſſembled at *Antioch*, and having ſuborned a common whore to come into the aſſembly, and accuſe *Euſtathius* of being the father of a child ſhe had in her arms; this obſequious *body of eccleſiaſtic officers, which, no Chriſtian needs be told were countenanced of God*, upon the ſingle evidence of an infamous and abandoned proſtitute, (who afterwards in miſery confeſſed the truth) without being ſupported

by the leaſt circumſtance of probability, condemned the good man of adultery, and depoſed him from his office.

There remained yet the famous *Athanaſius* biſhop of *Alexandria*, whoſe remarkable zeal for the honour of his Saviour ſet him up as a ſignal mark of the malice of his enemies. The emperor *Conſtantine* was prevailed upon to call a council at *Tyre* of biſhops from *Aſia*, *Africa* and *Europe*, and which *Conſtantius* in a conference with *Liberius* biſhop of *Rome*, afterwards called a *Synod of all the biſhops of the whole world*. To this ſynod the emperor ſends his commiſſioner, and requires *Athanaſius* to appear before it. He came accordingly, accompanied with *Timothy* one of his own preſbyters. The *Euſebians* had provided a woman, who having made profeſſion of virginity, came into the aſſembly and accuſed *Athanaſius* of having forcibly violated her chaſtity one night when he was her gueſt. *Athanaſius* took not the leaſt notice of her: and his preſbyter *Timothy*, perceiving his drift, immediately turned about to the woman, and pretending to be *Athanaſius*, ſaid to her, Had I ever any thing to do with you, or did I ever lodge in your houſe? Yes, ſaid ſhe, it was you that offered violence to me. This plot having failed them, recourſe was had to another. They had procured the hand of a dead man, which they carefully preſerved in a little wooden coffer, and produced it before the ſynod, ſuborning one *Iſchyras* an *Egyptian* preſbyter, who had gone over to their party, by the promiſe of a biſhoprick, to affirm that it was the hand of *Arſenius*, a biſhop whom *Athanaſius* had murdered, and whoſe hand, now produced, he had uſed for ſome purpoſes of witchcraft. It was ſo ordered by the divine Providence, that ſome of *Athanaſius*' friends, who together with one of his deacons had gone in ſearch of *Arſenius*, found him in a monaſtery, where he had been ſhut up by the *Euſebians*, and brought him to *Egypt*. But eſcaping out of their hands, he ſkulked for a while, till his own curioſity brought him to *Tyre*, where he kept *incog.* to ſee the iſſue of the affair. There it happened that the ſervants of *Archelaus*, a man of conſular dignity, got notice of him in a tavern, with which they acquainted their maſter. *Archelaus* found him, and kept him in ſafe cuſtody; the biſhop of *Tyre*, who knew him, aſſuring him it was the man, though he denied it himſelf. *Athanaſius* being thus provided for his defence, aſked the members of the council if any of them knew *Arſenius?* and many affirming that they did, he produced the very man whom he was accuſed of murdering, and turning aſide his cloak, ſhewed both his hands to the whole aſſembly.

Such frowns of heaven upon their wicked deſigns, one would think

think, might have diſcouraged their procedure. But when it appeared that all this only whetted their malice, and multiplied their accuſations: and eſpecially when the implacable enemies of *Athanaſius*, againſt whom he had offered exceptions, were ſent to *Mareotis* to collect and report evidence againſt him, and he ſaw plainly that his ruin was determined, he thought it proper to leave the place, and go to *Conſtantinople* to lay his caſe before the emperor. After his departure, the ſynod condemned and depoſed him, and loaded him with calumnious reproaches in a letter to the emperor. Which violence deeply affecting the celebrated confeſſor *Paphnutius*, he took by the hand *Maximus* biſhop of *Jeruſalem*, who had been his companion in exile, and bore upon his body the ſame cruel marks of perſecution with himſelf, and retired out of the council, ſaying, It does not become confeſſors to ſit in an aſſembly of ſuch wicked men.

But did the church think it incumbent upon them to ſubmit to ſuch deciſions, which, however they might be enacted in the name of Jeſus Chriſt, were ſo evidently contrary to his will, and ſubverſive of his intereſt? The people of *Conſtantinople* adhered to their depoſed biſhop, till they were ſlaughtered by the emperor's ſoldiers; and upon the death of *Euſebius*, which happened ſoon after, *Paul* was re-inſtated. The depoſition of *Euſtathius* occaſioned a fatal ſchiſm at *Antioch*, which laſted through a ſucceſſion of ſeveral biſhops on each ſide, in ſome meaſure for near 100 years, and intereſted the whole church, how to find means to put an end to it at laſt, even the See of *Rome*, and the Weſtern churches, as well as many in the Eaſt, continuing in communion with the *Euſtathians*. And as for *Athanaſius*, his depoſition was ſo far from being ſubmitted to, that men are ſtill ranked among the orthodox, or otherwiſe, according as they teſtified, or not, againſt ſuch violent proceedings. Pope *Julius* aſſembled a council at *Rome*, in which the cauſe of *Athanaſius* being examined, he was declared innocent with one voice by the 50 biſhops who compoſed it; ſo that *Julius* and the reſt continued to communicate with him as a biſhop, which was declaring him unlawfully depoſed. While this council was ſitting, a letter was brought to them from the *Euſebians* in the Eaſt, in the preciſe ſtile of our preſent obedience-mongers. They expreſs great concern at the little regard ſhewn by ſome to the deciſions of councils, which ought, they ſay, to be revered by all, and deemed immutable. But this was ſo far from being then the doctrine of the church, that in the general council of *Sardica*, which was ſoon after convoked by agreement between the empe-

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rors *Conſtans* and *Conſtantius*, the acts of the council of *Rome* were confirmed, *Athanaſius* and three other biſhops who had been unjuſtly condemned, were declared innocent, and reſtored to their reſpective charges. So far was the church then from being frightned by the clamour about *doing and undoing*, that when evil was *done*, the *not undoing it* was the only thing they were apprehenſive of.

This council of *Sardica*, as well as thoſe of *Milan*, *Sirmium*, *Rimini*, not to mention the ſcandalous aſſembly of the ſecond general council of *Epheſus*, and many others, were as truly oecumenical, as thoſe commonly called the four firſt general councils, *viz.* of *Nice*, *Conſtantinople*, *Epheſus*, and *Chalcedon*, which were by many high-church-men in the times that followed, equalled to the four goſpels. Now let any one pretend to ſay, what reaſon can be aſſigned, why the regulations and deciſions of ſome were rejected, and of others were admitted, if the church did not claim a right of private judgment, and did not think themſelves entitled and obliged to examine how far their *determinations are conſonant to the word of God*, in which caſe only our Confeſſion of Faith affirms, *they are to be received with reverence and ſubmiſſion*.

I cannot paſs by the council of *Sardica*, without obſerving, that by the influence of *Hoſius*, who preſided in that aſſembly, and who was full of veneration for the See of *Rome*, the council complemented the biſhops of that metropolis with a power of receiving appeals from biſhops, who thought themſelves leſed by provincial councils, and of either affirming or reverſing the ſentences complained of; which laid the foundation for all the future encroachments, and did in ſome meaſure authoriſe the tyranny and ambition of thoſe haughty prelates. And what height it aroſe to at laſt, the world needs not be told. Whether our preſent high-church-men are really of opinion, that this regulation with others of the ſame nature, which were the ſteps whereby *Antichriſt* mounted the throne, ought to have been complied with, as their words do moſt plainly and neceſſarily import, I ſhall not ſay. But this I am ſure of, that the church did reſiſt this encroachment, and that the reſiſtance made to it is uſually told with pleaſure and approbation by Proteſtant hiſtorians. The churches of *Africa* firſt, and afterwards thoſe of *Gaul*, were reduced to the neceſſity of having fierce conteſts with the popes upon this account. And here I beg your patience, gentlemen, to bear with one morſel of the hiſtory of this matter, becauſe I imagine, I have ſeen ſome circumſtances of it exemplified among ourſelves on the preſent occaſion. It ſhows how exceeding

ing apt men of eaſy tempers and humane diſpoſitions are to be carried along with a violent ſtream. But it ſhows likewiſe of what bad conſequence this may be, and what neceſſity there is for a certain degree of firmneſs and reſolution to maintain the neceſſary liberties of the church againſt the arbitrary and tyrannical diſpoſitions of many of its rulers; and how an inordinate love of eaſe and peace might, and did, contribute to wreath about the church's neck, the galling chains of Papal tyranny; and that it is often ſo ſhort-ſighted, as, inſtead of that eaſe and peace which is aimed at, to promote and forward all the terrors of a *Romiſh* inquiſition.

Leo, uſually ſirnamed the Great, who was biſhop of *Rome* about the middle of the following century, laid hold upon every opportunity of exerciſing and extending the privileges which he thought himſelf inveſted with. It happened, that before he had been long in that ſtation, he met with a proper occaſion of making trial how far the church was willing to ſubmit to the regulation that had been enacted by the council of *Sardica*. *Celidonius* biſhop of *Beſanzon* was depoſed by the unanimous conſent of a provincial council, wherein preſided *Hilary* the biſhop of *Arles*, a moſt ſtrict obſerver of the eccleſiaſtic diſcipline. From this ſentence, which was perfectly agreeable to the canons, *Celidonius* appealed to the biſhop of *Rome*. The predeceſſors of *Leo* had, but very lately, met with ſuch a check from the *African* biſhops, in purſuing their pretended right of receiving appeals, as had obliged them to give over, or rather to ſuſpend that purſuit. But *Leo* was not a man to be diſcouraged by every little rub. Finding that *Hilary* and the biſhops of *Gaul* were by no means diſpoſed to admit his claim, and that the decree of a council would ſtand him but in little ſtead, he took the advantage of the intereſt he had with the emperor *Valentinian* III. who was a weak prince, and therefore a fit tool for a man of *Leo*'s craft, ambition and addreſs, and obtained a reſcript from him, addreſſed to *Actius* general of the *Roman* forces in *Gaul*; wherein, under pretence of maintaining the peace and tranquillity of the church, *Valentinian* requires the *Gallican* biſhops to pay an entire obedience and ſubmiſſion to the orders of the apoſtolic See, and ſtrictly enjoins the magiſtrates to oblige thoſe who ſhall be ſummoned to *Rome*, to obey the ſummons. All which he ſuppoſes *Leo* had a prior eccleſiaſtic title to, and that there ought to have been occaſion for no other authority but his own in the matter.

Leo being thus powerfully ſupported in his pretenſions by the ſupreme authority of both church and ſtate, carried, you may be ſure, with a very high hand. He had not only annulled the judg-

judgment of the council, at which *Hilary* had preſided, and declared *Celidonius* unlawfully depoſed; but in the height of his reſentment at the oppoſition he met with, he had likewiſe ſuſpended *Hilary*, and cut him off from his communion; and now inſiſted with unrelenting fury upon a punctual ſubmiſſion to ſo ſevere a ſentence. *Hilary* on his part, left nothing unattempted, he could think of, to appeaſe him. He would not indeed yield to his lawleſs ambition, and, out of a criminal complaiſance, give up the juſt rights and liberties of the church, but ſtrove by all other lawful means, by all kinds of honeſt ſubmiſſion, to allay his reſentment, and bring him to a more Chriſtian temper. He had firſt gone to *Rome* himſelf to try if he could ſoften the rage of the ambitious *Roman* pontiff. But he was ſo far from ſucceeding that it was with difficulty he made his eſcape out of the priſon wherein he was there confined. After he got home, he not only wrote to *Leo*, but he ſent firſt a Preſbyter of diſtinguiſhed merit, who afterwards ſucceeded him as metropolitan of *Arles*, and then two biſhops, both men of eminent ſanctity, to ſee if matters could poſſibly be made up. He ſtrictly enjoined his legates indeed not to agree to any terms that might prove in the leaſt prejudicial to the rights and privileges, which the church had hitherto enjoyed, which made it impoſſible for them to ſucceed in their negotiation. However, before they left *Rome*, they reſolved to make one attempt more, and try whether by the intereſt of ſome man in power, they might not bring about what no reaſon or argument could prevail to effect.

Of all the great men at that time in *Rome*, *Auxiliarius* ſeemed to them the moſt proper to be employed on this occaſion. He was prefect of *Italy*, and had been formerly of *Gaul*, where he had contracted an intimate friendſhip with *Hilary*, of whoſe virtue he entertained the higheſt opinion. To him therefore they applied, and he, glad of the opportunity that offered of ſerving a friend whom he ſo much valued, readily took upon him the office of mediator between him and *Leo*. But he ſoon found how vain it was to expect that ever *Leo* would in any degree relinquiſh a power his pretenſions to which were ſo well founded in both civil and eccleſiaſtic authority. *Auxiliarius* grieved to find that his good offices had not anſwered his expectation and wiſhes, wrote the following letter to *Hilary* ſoon after his interview with *Leo*: "As you look upon all tranſitory things with an eye of "contempt, and are not capable of being elated with joy when "they ſucceed, or dejected with grief when they miſcarry; I "need not, in writing to you, diſguiſe the truth, out of an ap-

"prehenſion

" prehenſion of diſturbing the tranquillity of your mind." He then acquaints him with the diſpoſition and temper, in which he had found *Leo* towards him; and adds: " I ſee not the leaſt " appearance of pride or arrogance in the conduct of your Ho- " lineſs, but men cannot bear plain truth, and are offended if " we ſpeak our thoughts freely. The *Romans* muſt be courted, " and it is only by condeſcenſion and complaiſance that they " are to be gained. Could you bring yourſelf to that, you " would loſe nothing, but gain much by it. I therefore beg it " as a particular favour that you would. A little condeſcenſion " on your ſide will lay the ſtorm, and reſtore the wiſhed for " tranquillity."

I make no queſtion but a gentleman of *Auxiliarius*'s humanity and good nature, and I may add good ſenſe too, but who did not perhaps enter very deep into church affairs, or give himſelf the trouble of looking far into their conſequences, would be ſurprized, if not in ſome meaſure ſhocked at the obſtinacy of his friend *Hilary*, who thanked him for his advice, but did not embrace it, and choſe rather to die out of *Leo*'s communion than be reſtored to it by yielding up to his ambition the rights and liberties which had been truſted to his care. As there are *Leo*'s in all ages, ſo there are likewiſe *Auxiliarius*'s. I doubt not there are many of this character among us at preſent, who, far from approving high-church meaſures, do yet regard the few *Hilarys* amongſt us in a light by no means to their advantage, and who, out of pure love of peace, do almoſt as effectually promote tyranny by their endeavours to ſuppreſs all oppoſition to it, as if they were ever ſo openly liſted under its banner. But, may I not appeal, gentlemen, to yourſelves, who know what were the effects of the graſping encroachments of the *Leo*'s, and the timid yielding of the *Auxiliarius*'s of former times, whether *Hilary* or his friend was really in the right, and how far the firſt deſerves the encomiums that are now beſtowed upon him by Proteſtant writers.

Since I am got thus far down, I ſhall not return to entertain you with many a corrupt ſynod we have left behind us, and with the depoſing and cruel perſecution of pious *Chryſoſtom*, for no other reaſon but becauſe the empreſs had taken his honeſt freedom amiſs, or with the accounts given us by good *Gregory Nazianzen* of the ſynods of thoſe days *, who was likewiſe driven

* Sic affectus ſum, ſi dicenda eſt veritas, ut malim omnes Epiſcoporum conventus vitare, quia nullius ſynodi finem vidi bonum, aut qui magis tolleret mala quam augeret. *Ep.* 55. *ad Procopium, &c. &c.*

ven from the ſame important charge of *Conſtantinople*, by a general council too that was there aſſembled. Only with reſpect to *Chryſoſtom*, I muſt obſerve that the church was ſo far from ſubmitting to the ſynod's authority, that as his depoſers were excommunicated in the *Weſt*, where only they durſt do it, ſo the greateſt part of the people of *Conſtantinople* ſeparated from the biſhops who ſucceeded *Chryſoſtom*, till *Atticus* a wiſe and peaceable man, coming after *Arſacius* healed the breach by reſtoring *Chryſoſtom*'s name to the Diptychs where a memorial was preſerved of thoſe that died in the communion of the church. This reſtoration of a name that had been eraſed was a ſort of abſolution after death, and was zealouſly oppoſed by *Cyril* biſhop of *Alexandria* a high-church-man of thoſe days, and from the ſame topicks that are now inſiſted upon by men of the ſame turn, in a letter which he wrote in anſwer to one of *Atticus*'s acquainting him with his intention. He pleads that the ſchiſmaticks were but few (as if he knew better than their own biſhop who had told him that *Populus* majori ex parte *per factionem ſciſſus extra muros conventus egerit*,) that *Chryſoſtom* being depoſed, dyed a layman, and was not to be numbred with the clergy, that *Atticus* had the magiſtrates on his ſide, who would bring them in by force (the conſtant reſource of high-church clergymen) that he would gain nothing by humouring ſuch diſobedient ſchiſmaticks, but only make them more pettiſh by paying ſo much regard to them, that the ſupporting of church authority was a matter of greater moment than the pleaſing of them, and that ſuch an inſtance of diſregard to it would do more hurt than the gaining of them would do good, that they were a parcel of unreaſonable men who would never be ſatisfied, and that if ignorant wilful fellows will forſake the church, there was no great loſs in it, in compariſon of overturning her conſtitution, *&c.* Gentlemen, you ſee *there is no new thing under the ſun*; for this is a language that I believe you are no ſtrangers to. Theſe are the conſtant and ſtanding topicks of men who prefer their own power and authority to the peace and edification of the church of Chriſt. But *Atticus* was wiſer than to hearken to this fire-brand. He reſtored the name of *Chryſoſtom*, without being frightened with that old bugbear, *deſtroying the conſtitution of the church*, and the martyr's bones (for ſo indeed he was) being afterwards fetch'd home with honour, the breach was healed, and peace reſtored not only to the church of *Conſtantinople* but many others that had taken part in the matter. Some ſay that *Cyril* himſelf repented, tho' I do not think it very likely, ſeeing his death is mentioned by ſome of the ancients as

the

the churches deliverance from a turbulent enemy of peace. But 'tis well known that *Chryſoſtom* has been ſainted by that very church where the greateſt regard is paid to eccleſiaſtic authority.

The obſervation that *Gregory Nazianzen* made of the councils in his time, that they were apter to make things worſe than better, was moſt remarkably exemplified after his death in the councils that met about *Neſtorianiſm* and *Eutychianiſm*. The firſt, or the received general council of *Epheſus*, one of the four that were equalled to the four goſpels, what was it but a reproach or ridicule upon Chriſtianity? To ſee two different parties of biſhops met together in one town but in different houſes, the one headed by the fire-brand *Cyril*, the other by *John* of *Antioch*, anathematiſing, curſing and excommunicating one another, *needs any Chriſtian be told that they are* not *countenanced by God; and that a reſiſting their authority is* not *reſiſting God?* *Cyril*'s cabal however, having, after a ſtruggle, procured at laſt the emperor's approbation muſt be the council. And what advantage was it to Chriſtianity that one of the firſt biſhops in the church, I mean *Neſtorius* biſhop of the imperial city was depoſed, anathematiſed, and murdered, meerly becauſe he diſapproved of a certain phraſe, that *Mary was the mother of God*; for I think it is beyond all diſpute that he maintained the doctrine of the incarnation in the moſt unexceptionable and orthodox terms, and that *Cyril* and he, when they explained themſelves, did not at all differ about *things* but only about *words*. And for the ſake of theſe words a conſiderable part of the Chriſtian church in the *Eaſt* are to this day ſeparated from the communion of their brethren under the opprobrious denomination of *Neſtorian* hereticks.

But if the firſt *Epheſine* council was a ſcandalous meeting, how much more ſo was the ſecond, or the rejected one, which met at the ſame place a few years after, *viz.* in the year 449? Rejected, gentlemen, univerſally rejected, and their decrees refuſed to be ſubmitted to by the church. But upon what account? Not for the want of any formality in its conſtitution; being called out of the ſeveral patriarchates by the emperor, as other general councils were, who ſent his commiſſioners to it, as the pope did his legates; nay, and had the emperor's approbation too, when all was over: ſo that it wanted no circumſtance that was neceſſary by the conſtitution to give it authority, except the righteouſneſs of its actings. And, upon this ſingle account, its authority did and ſtill does go for nothing in the church, even among thoſe who pretend to pay the greateſt regard to the determinations of a general council. I ſhall give you juſt a hint of its hiſtory in a few words.

Eutyches a monk near *Conſtantinople* had been driven by the zeal of his oppoſition to *Neſtorius* into the contrary hereſy, *viz. That there was but one nature in Chriſt after the union*; if any thing may be called a hereſy that conſiſts but in words ill underſtood, as there wanteth not reaſon to ſuſpect that this whole matter does. Of this hereſy *Eutyches* is accuſed before *Flavianus* biſhop of *Conſtantinople*, and a council met there upon another occaſion, wherein *Flavianus* preſided. The patriarch himſelf did all he could to ſuppreſs the accuſation, which was made without his privity. But it was not in his power to prevent a ſentence of excommunication againſt *Eutyches*, and all who ſhould converſe with him, which he as preſident of the council was obliged to pronounce.

By this time *Dioſcorus* had ſucceeded *Cyril* in the ſee of *Alexandria*, as well as in his pride, ambition, and tyranny, and in his hatred of *Neſtorius*, or rather perhaps in his emulation with the biſhops of *Conſtantinople* who now began to overtop the proud patriarchs of *Alexcndria*. He having great intereſt at court by means of an eunuch with whom he ſhared the plunder of *Egypt*, where the biſhop of *Alexandria* now acted the tyrant, the emperor was prevailed on to call a general council at *Epheſus*, wherein *Dioſcorus* preſided, and *Euſebius* of *Dorylaeum* the accuſer of *Eutyches*, as well as *Flavianus* and others were brought to the bar as criminals. *Dioſcorus* carried on every thing in the moſt tumultuous, imperious and over-bearing manner. The biſhops awed by his fury cried out with one voice, *Let* Euſebius *be burnt alive, let him be cut aſunder; as he divides, ſo may he be divided. Dioſcorus* not ſatisfied with theſe confuſed cries deſired that ſuch of them as could not raiſe their voices loud enough to be heard ſhould lift up their hands in token of concurrence. Upon which the whole aſſembly lifted up their hands, joined as one man in crying out aloud: *Whoever admits of two natures, let him be anathematiſed, let him be driven out, torn in pieces, maſſacred.* In a word, *Flavianus*, *Euſebius*, and ſome other biſhops were anathematiſed and depoſed. All the biſhops ſubſcribed the ſentence, except the pope's legates, which made *Binnius* to ſay, *In hoc tam horrendo epiſcoporum ſuffragio, ſola navicula Petri incolumis emergens ſalvatur. Flavianus*, in hearing the ſentence read, excepted againſt *Dioſcorus*, which ſo provoked that haughty prelate, that he, and others of his party, falling upon him, in a tranſport of paſſion, firſt beat him in a moſt barbarous manner, as it were in emulation of one another, and then throwing him on the ground, trampled upon him ſo cruelly,

cruelly, that he died in three days of the bruiſes he then received.

And now, gentlemen, *needs any Chriſtian be told* whether this council *was countenanced by God?* The Chriſtians of thoſe days were ſo far from being afraid *of reſiſting God by reſiſting it*, that when the proceedings at *Epheſus* came to be known in the *Weſt*, a provincial ſynod at *Rome*, and another at *Milan* had no ſuch regard for the conſtitution, or the ſubordination of judicatures, as to ſcruple condemning the general one at *Epheſus*, and they never left ſolliciting the emperor, till, *Theodoſius* being dead, and *Martian* ſucceeding in his room, he was prevailed on to call another to *undo* the evil that had been done. This was the fourth of the approven general councils which met at *Chalcedon* in 451, and repealed the decrees of *Epheſus*, reſtored ſuch of the depoſed biſhops as had not been murthered, and depoſed *Dioſcorus* and ſuch of the depoſers as did not make their ſubmiſſion. Indeed there is ſo little good to be expected from the authoritative impoſitions of anathematiſing, hereticating councils, that 'tis a queſtion whether the wounds of the church were in any degree mended by this council of *Chalcedon*, which was likewiſe one of that ſort. Whoever reflects upon the troubles that followed, and the diviſions that were occaſioned by the *receiving* or *not receiving* of this council will be ſenſible how inſufficient a medicine the dictatorial deciſions of ſynods are for the evils they are uſually applied to. "One ſkilful healing man, ſays Mr. *Bax-*
"*ter*, that could have explicated ambiguous terms, and per-
"ſuaded men to love and peace, till they had underſtood them-
"ſelves and one another, had more befriended truth, piety and
"the church, than all the hereticating councils did." One effect it has left ſtill ſubſiſting after all the miſeries that followed ſoon after are over, namely, a ſchiſm of thoſe called *Eutychian* Chriſtians from the reſt of the church, among whom are the *Armenians* in *Aſia*, and the *Habaſſines* in *Africa*, a Chriſtian empire diſcovered by the *Portugueſe* after they had doubled the *Cape of Good Hope*. And as if the blood ſpilt anciently in this quarrel had not been ſufficient to extinguiſh the flames of diſcord, a great deal more of the blood of the poor *Habaſſines* has, in modern times, been ſhed in the ſame quarrel, upon their refuſing to receive the council of *Chalcedon*, ſince the *Jeſuites* by means of the *Portugueſe* got footing in that country, and obtained the ear of their emperors, as appears from *Ludolphus*'s hiſtory of *Habaſſia*, where we are told of many battles fought by that king againſt his own ſubjects at the inſtigation of the *Jeſuites*; and tho' he was conſtantly victorious, yet he was obliged after all

to

to leave matters as he found them, and to let the council of *Chalcedon* ſtill be rejected.

The confuſions that followed this council of *Chalcedon*, with the controverſies about *the three chapters*, and the *Monothelites*, &c. afford ſo plentiful a harveſt of corrupt councils and their wicked deciſions, that, I am ſure, any of you who ever looked into the materials will be ſenſible that it is the abundance and not the ſcarcity of inſtances that obliges me to ſtop ſhort, and draw a vail over the nakedneſs of the primitive church. Only before I leave theſe ancient times, allow me to aſk one queſtion at each of you, gentlemen, if you ſtill think that every regulation enacted by eccleſiaſtical authority muſt be executed or complied with. In a council held at *Rome*, in the year 504, a decree was made anathematiſing all who did, or ſhould hold, or appropriate to themſelves, the goods or eſtates of the church: and this decree was declared to extend even to thoſe who held ſuch eſtates by grants from the crown. It is likewiſe well known that the celibacy of the clergy was determined by ſeveral ancient councils. Even the council of *Nice* itſelf was on the point of ordering them to put away the wives they had, if the Confeſſor *Paphnutius*, who did himſelf lead a ſingle life, had not prevented them from going ſo far, and got them only to prohibit ſuch as were batchelors from entering into the bonds of matrimony. The queſtions I would put upon theſe facts, with the application of them, I doubt not, gentlemen, but you will both of you eaſily gueſs.

And therefore I ſhall diſmiſs the primitive times with only one ſtory more, which, if you'll be ſo good as to indulge me in, I promiſe to be ſo much the ſhorter on the following ages. It is the ſtory of *Martin* biſhop of *Tours*, a ſaint worſhipped to this day by the church of *Rome* every year at *Martinmaſs*, having appropriated to him a feaſt that, by the ancient Heathens, was inſtituted to celebrate the finiſhing of their vintage, and the preſſing of their grapes: The propriety of which let them anſwer for, *Martin* having been a moſt abſtemious ſaint, and remarkable for the auſterity of his life, and who ſpent the greateſt part of his time in faſting and prayer. Would you imagine it, gentlemen, that a ſaint ſo noted for his contempt of church authority when interpoſed for a bad thing, and who, during the laſt ſixteen years of his life, repented of any little countenance he had been unwarily drawn in to give to what he thought an unwarrantable exerciſe of it, would be ſo much revered by ſuch eminent authority-mongers as the Papiſts? The caſe was this, as we are told by *Sulpitius Severus*, an hiſtorian of acknowledged ho-

honeſty, and who, being an intimate acquaintance and admirer of *Martin*, ſays, that every thing he relates was conſiſtent with his own perſonal knowledge.

Towards the latter end of the fourth century, the ſect of the *Priſcillianiſts* having gained ſome ground in *Spain* and *Gaul*, a council, which met at *Saragoſa*, not only excommunicated them, but applied to the emperor *Gratian* to ſuppreſs them by the ſword. Accordingly, both *Gratian*, and after him *Maximus*, who ſucceeded for a while to his power in thoſe parts, at the inſtances of the biſhops, perſecuted the *Priſcillianiſts*. And particularly *Maximus*, whoſe title to the empire was but lame, to pleaſe the biſhops, and ſecure them in his intereſt, was prevailed on to put *Priſcillian* to death, and baniſh ſome of his followers. *Martin*, though no *Priſcillianiſt*, did abhor drawing the ſword againſt Hereticks, and endeavoured to diſſuade both the emperor and the biſhops from this high-church method of dealing with them, but in vain. Inſtead of being able to abate the fury of his brethren, he found them carrying on the proſecution with ſuch unrelenting keenneſs, that thoſe who did but faſt and read more than ordinary, (which the *Priſcillianiſts*, it ſeems, affected much) were brought under the ſuſpicion of *Priſcillianiſm*, and reproached. This common injury to piety from the biſhops grieved *Martin* yet more, and ſhocked him to ſuch a degree, that he renounced communion with the biſhops and their ſynod: Whereupon they repreſented him to the emperor and people as a *Priſcillianiſt*, and a perſon of diſorderly, ſchiſmatic, and anarchical principles. *Martin*'s extraordinary reputation for ſanctity however enabled him to ſtand his ground, and ſoon made them ſenſible what a loſs it was to their cauſe to have the whole weight of ſuch a character in the oppoſite ſcale. At laſt, a great *Priſcillianiſt* being ſentenced to death, *Martin* travelled to the emperor *Maximus* to beg his life. *Maximus* told him, he would grant his deſire, if he would but once communicate with the biſhops. The good man preferring, in the view he had then of the thing, mercy before ſacrifice, yielded, and did once communicate with them, and ſo ſaved the life of the poor condemned Heretick. But in his way home, his conſcience ſmote him moſt ſeverely for what he had done. And he either did meet, or, in the low ſpirits he then was, he imagined at leaſt that he met with an angel, who corrected him, and threatned him if he did ſo any more. This much is certain, that he repented of what he had done to ſuch a degree, that he never would communicate with them again to the day of his death. *Sedecim poſtea vixit annos*, (ſaith Sulp. in vita

vita Mart.) *nullam ſynodum adiit; ab omnibus conventibus ſe removit.*

§. 10. As for the councils of the following centuries down to the Reformation, I could almoſt take my hazard of a general rule, that whoever will take the trouble to conſult their deciſions, reſolving to do juſt the direct contrary, will ſcarce ever fail to be in the right; eſpecially where courts or great men interpoſed in their affairs, to whom they were uſually moſt obſequious tools. In ſuch a ſink of naſtineſs, one has no occaſion to ſearch for filth. When that is wanted, we may put in our hand at random. And therefore, to give you a ſmall ſample of ſuch deciſions, as the Chriſtians of thoſe days were to take for granted, (according to the doctrine now in vogue) were *countenanced by God*, and the *reſiſting of which* was then, as well as now, called a *reſiſting God*; I beg, *Philarchus*, if you have any eccleſiaſtic hiſtory of the times we are upon, you would be ſo good as favour us with a ſight of it. Open it yourſelf, if you pleaſe, and as you pleaſe, and let us know what was done by the firſt council you meet with.

PH. Truly, Sir, my library is not very well ſtocked with books of that kind. However, I happen to have the four ſmall volumes of *Du Pin's* Compend, any one of which is at your ſervice.

TH. If you'll take the trouble to bring the third volume, we ſhall make the experiment upon what happens to throw up to us there. ——— I ſee you have choſen the beginning of the book, being afraid, I ſuppoſe, to venture any further down, when the corruption of the church was advancing with ſo quick a pace. Well, have you met with any ſynod yet?

PH. I find one mentioned here in the ſecond page, held in 809. to which it is ſaid, *Joſeph was admitted, who had been depoſed for having crowned* Theodota *the empreſs, and the emperor's marriage with her was declared lawful.*

TH. Sir, the caſe was; The emperor *Conſtantine*, ſon of the famous empreſs *Irene*, notwithſtanding a lawful wife he had already was ſtill living, would needs be married to this *Theodota* likewiſe. The patriarch *Taraſius*, though he had promoted the worſhip of images in the ſecond general council of *Nice*, not long after it had been condemned by another more numerous general council at *Conſtantinople*, would not, it ſeems, have a hand in ſo adulterous an affair. So the emperor got this *Joſeph*, who was a treaſurer of the church of *Conſtantinople*, to perform the ſcandalous ceremony. For this he was promoted to the archbiſhoprick of *Theſſalonica*, one of the higheſt preferments in the church.

church. But *Theodorus Studita*, *Plato*, and other monks making a noiſe about the thing, and renouncing communion with *Taraſius* for ſuffering ſuch doings without any cenſure, he thought it proper at laſt to depoſe *Joſeph*. In the year 806, a council was held at *Conſtantinople* by a new patriarch, which reſtored *Joſeph*. But as the monks ſtill continued to murmur, this council which *Du Pin* mentions, was called in 809, to take a courſe with the ſchiſmatical and diſobedient monks, of which *Binnius*, the Popiſh collector of the councils, ſays, "When the biſhops there conveened, had brought the moſt holy *Plato* in chains to be judged, and had paſſed the ſentence of *anathema* on the univerſal catholick church that was againſt their error, they made a moſt wicked decree, that the marriage of *Conſtantine* with *Theodota*, (his wife yet living, thruſt into a monaſtery) ſhould be ſaid to be lawful by diſpenſation. They added for the emperor's ſake this wicked and ſhameleſs ſentence, That the laws of God can do nothing againſt kings; and that if any imitate *Chryſoſtom*, and ſhed his blood for truth and juſtice, he is not to be called a martyr: That biſhops have power to diſpenſe with all the canons." ——— I believe, gentlemen, if I had put a caſe by way of arguument, that a ſynod had approven of adultery, or had appointed any thing to be done by a miniſter that implied an approbation of it, you would have treated it as a very wild and chimerical, if not an impoſſible ſuppoſition.——— Have you met with with any moe councils, *Philarchus?*

PH. Upon turning a leaf, I find another council at *Conſtantinople* held by the empreſs *Theodota*, "in which the *Iconoclaſts* were condemned, the worſhip of images reſtored, according to the decree of the council of *Nice*, and *John* patriarch of *Conſtantinople* who favoured the *Iconoclaſts*, was depoſed." I believe we muſt give up this council to you likewiſe. But here is one in the next page, held by *Lewis* the *Debonnaire* at *Aix-la-Chappelle*, which I hope you have no objections to; for all that *Du Pin* ſays about it is only, that ſome rules were eſtabliſhed for the canons, canoneſſes, and monks. I ſuppoſe they were good rules, were they not?

TH. It muſt be owned, Sir, that the judicatures of the church, in all ages, as well as in this, have been happier in making good rules, than in executing them. However, if there was any good done in this council, it is not to be imputed to the biſhops who compoſed it, but to a religious emperor who called it, *Lewis* ſirnamed frequently, the Pious, or the Godly. It was he who cauſed prepare the rules, which were there enacted. So we are told in *Binnius*'s collection. *Congregatis epiſcopis, &c. fecit*

cit componi ordinarique librum canonicae vitae normam geſtantem, in quo totius illius ordinis perfectio continetur. In quo inſeri juſſit cibi potuſque, et omnium neceſſariorum ſummam. I ſhall not inſiſt on the objection againſt forming rules for, and conſequently eſtabliſhing ſuch idle drones as the monks, canoneſſes, &c. But pray *Philarchus*, how much wine, think you, this council allowed one of the monks in a day?

PH. Perhaps a bottle a piece.

TH. What think you of five pounds of wine? Or elſe where wine was ſcarce, they had three pounds of wine, and three of beer; or in great ſcarcity, one pound of wine, and five of beer. I muſt likewiſe do the council the juſtice to tell you, that they give notice, chap. 122. that a pound hath but 12 ounces.

PH. They muſt ſurely have been rare topers in thoſe days. Do they not preſcribe a daily vomit likewiſe, to prevent immediate ſuffocation? I cannot help ſuſpecting, *Theodulus*, that the emperor, who (you ſay) was a good man, had a mind to rid the world of theſe idle drones by adminiſtring to them ſuch a hearty doſe of daily poiſon.

TH. After all your joking, *Philarchus*, the truth is, one of the worſt things about him was too great an indulgence to the clergy. He did indeed in this council, endeavour to bridle their boundleſs licentiouſneſs, and to keep them under ſome ſort of diſcipline, which the hiſtorians tell us they could not well brook. And accordingly, the very next council you'll meet with will inform you what a ſevere revenge, they very ſoon had an opportunity to take of him. But as you have only a brief hint of it there, in three or four lines, I beg leave to tell you ſome more of the ſtory.

This good emperor being a great deal too indulgent to his ſons as well as to the biſhops, had provided them with large governments, and given them the title of Kings in his own lifetime. This only inflamed their ambition, and taught them not to bear a ſuperior. They had not the patience to wait for their father's death, but raiſed a rebellion againſt him. Upon this there was a meeting of the ſtates at *Nimeguen*, with the conſent of both father and ſons, where the nobles, (as *Binnius* expreſſeth it), *Parentis imperium legitime prorogabant.* A ſecond rebellion is raiſed, wherein the father is conqueror. At laſt *Lotharius* his eldeſt ſon, taking advantage of the diſcontents that were among ſome of the clergy, raiſed a third rebellion, and firſt got the pope to give out that he had excommunicated the emperor, and this occaſioning a deſertion of many ſoldiers from his father to him, he called a council at *Campaigne*, that the

the treaſon which could not be effected either by the nobles or by the army, might be completed by the biſhops, or as *Binnius* himſelf ſaith, *Ut quem filii armis imperio deponere non poſſent, horum ſaltem nundinariorum antiſtitum ſuffragio et judicio, honore ac poteſtate imperiali privaretur. Succeſſit impiis conatus impiiſſimus.* Before this council, and as many people as the church could hold, they were not aſhamed to ſee their king proſtrate on the earth upon hair-cloth, where they who were his ſubjects, and clergymen too, who ought not to have meddled with ſtate affairs, formally depoſed him from his dignity, obliged him to lay down his arms before the altar, ſtripped him of his ſecular habit, put on him that of a penitent, and thruſt him into priſon. And what were the mighty crimes, think you, they had to lay to his charge? Forſooth, that he marched his army in his own neceſſary defence, againſt his rebellious ſons, *in time of Lent, and that he permitted* (ſay the council) *his nephew* (a traitor, you muſt know, in open rebellion) *to be killed, whom he might have delivered.* As for this laſt, if it was a crime, the good king had formerly taken a remorſe about it himſelf, had voluntarily ſubmitted to do penance for it, and had been abſolved: ſo that it had been already judged and remitted.

And now, *Philarchus*, will it be any ſurpriſe to you, or will you call it ſchiſmatical and diſobedient, when I tell you, that the church or nation, call them which you will, did not ſubmit to theſe deciſions; but ſenſible of their king's innocence, and of the wickedneſs of his ſons, and of the principal biſhops who were leaders in the council, reſtored him to his former dignity, notwithſtanding the expreſs decree of the council, that he ſhould never be reſtored again; and that *Ebbo* archbiſhop of *Rheims*, and *Agobard* biſhop of *Lyons*, were depoſed as leaders in this treaſonable judicatory. I believe you will rather own, it was well for them, they had to do with ſo merciful a prince, who pardoned his ſons, and left the biſhops to be reſtored by *Lotharius*, after he was dead.

PH. Come, come, *Theodulus*, I have enough of it. I'll proceed no further in my ſearch after councils.

TH. Sir, if you had had the patience only to look to the next chapter, you would have met with another council at *Conſtantinople*, which depoſed and excommunicated the patriarch *Ignatius* in compliance with the intrigues of the court, becauſe he had been ſo honeſt, as to reprove a prime miniſter, who was deſperately in love with his daughter-in-law, and had familiarity with her.

PH. I have certainly happened, *Theodulus*, by an unlucky chance, to open the book at the moſt corrupt period of the

church. It is impoſſible, I ſhould think, that councils of biſhops could long have the impudence to avow ſuch extremely ſcandalous proceedings. Did not things grow better in the next age?

TH. So far from it, Sir, that the corruption of the church was but then in its progreſs, and had not yet arrived at that height of perfection, if I may ſo call it, to which it reached in the following ages. The worſt doctrines, and moſt idolatrous practices were not yet introduced; and ſome bounds of decency were yet preſerved, which were all moſt openly and entirely broke down at laſt. To give you but a taſte of the following century, and its councils, which *no Chriſtian needs be told were authoriſed by God.*

The archbiſhoprick of *Rheims* was grown worth the contending for by the great. The earl of *Aquitaine*, having firſt bargained for the reverſion of it to his ſon, got the preſent poſſeſſor poiſoned, not chuſing to ſtay till he died, and procured the child in coats, who was then between four and five years of age, to be choſen an archbiſhop. There were ſtill ſome, it ſeems, who imagined that ſuch an incapacity was what no human deeds or forms could remove. So one *Artaldus* a monk, who had ſworn he would never accept an archbiſhoprick, was choſen in his ſtead. To decide the controverſy between a perjured monk, and a child who had been promoted by the means you heard of, a council met at *Soiſſons, anno* 940. who caſt out the monk, and adjudged the ſeat to the infant, who was brought in by ſimony and murder, as being lawfully choſen. And the biſhops went to *Rheims* and conſecrated him. And pray, gentlemen, how could any of you have refuſed to do the ſame, upon your principles? Muſt not the ſentence be executed, to ſave the conſtitution from immediate ruin? And would not a reſiſting this council have been a reſiſting God? Perhaps too, if you *ſuffered any inward regret and uneaſineſs of mind on executing ſuch commands of your ſuperiors, as you condemned in your judgment*, the letter-writer on obedience can ſatisfy you, *that you ought not to attempt to get the better of it. When he has been required to concur with his brethren, in admitting to the holy miniſtry one, from whoſe capacity and diſpoſition he hoped no good, and feared much harm to the church*, he tells us, *he has felt a pain which no conſideration could remove or mitigate; but he could diſtinguiſh it from the ſtings of an evil conſcience.* Conſidering, it ſeems, the commands of the apoſtle in the epiſtles to *Timothy* and *Titus*, as directed not to particular miniſters, but to church judicatures, or elſe as repealable by our fallible ſuperiors.

Yet even this was but a ſmall matter in compariſon with the doings

doings at *Rome*. For ſurely a harmleſs child is not to be compared with the horrible monſters that then ſat in the ſeat of the beaſt. Do not imagine, Sir, that this proceeds from any prejudice you may think I have againſt the court of *Rome*. Hear what cardinal *Baronius* himſelf confeſſes in his annals of the 10th century. "What then, ſays he, was the face of the *Roman* church, how "very filthy? when the moſt powerful and ſordid whores then "ruled at *Rome*; at whoſe pleaſure ſees were changed, and bi-"ſhopricks were given, and, which is horrible to hear, and moſt "abominable, their gallants were obtruded into the ſee of *Peter*. "——— Luſt armed with the ſecular power, challenged all "things to itſelf. Chriſt, as it doth appear was faſt aſleep in the "ſhip, when the ſhip itſelf, through the bluſtering of ſtrong "winds, was covered with waves. And, which ſeemed worſe, "all ſnorted with him, and there were no diſciples to awaken "their ſleepy Lord with their cries. What kind of cardinals, "do you imagine, muſt be then choſen by thoſe monſters, when "nothing is ſo natural, as for like to beget like? *&c.*"

Theodora and *Marozia* two famous whores, were able to promote, not only their gallants, but their children to the Papacy. Among the laſt was *John* XII. a lad too under age. *Quanquam huic*, ſaith Baronius, *legitima aetas aliaque omnia deeſſent quae in legitimo pontifice requiruntur, tamen accedente poſtea conſenſu totius cleri, viſum eſt hunc potius eſſe tolerandum quam eccleſiam ſchiſmate aliquo dividendam.* Is this, gentlemen, the ſame doctrine with yours? Would a deciſion of aſſembly make a true biſhop or miniſter of one that is not *ſubjectum capax*, that wanteth what is eſſential to the office? *Platina* ſays, that from his youth he was contaminated with all odious crimes and filthineſs. When he had any time to ſpare from his luſts, it was not ſpent in praying but in hunting. He ordained a deacon in a ſtable of horſes, made any one a biſhop for money, and ordained a boy of ten years old biſhop of *Tudortine*. His adultery and inceſt were ſo notorious, that he made the palace a common bawdy-houſe. He murdered ſeveral by putting out their eyes, cutting off their *virilia*, &c. ſet fire to houſes, went armed and harnaſſed as a ſoldier, drunk a health to the devil, *diaboli in amorem*, and in ſhort was another *Nero*; whoſe wickedneſs, as the emperor was told when he came to *Rome*, was not unknown to the *Babylonians*, *Iberians* or *Indians*. Two of the cardinals, moved with the ſhame of ſuch a pope, wrote to the emperor, intreating him to ſave *Rome* from pope *John*, elſe Chriſtianity was loſt. The pope having notice of this, ſeized the cardinals, and cut off the noſe off one, and a hand off the other. The emperor came how-

however; the pope fled, and *Leo* was choſen in his room. But when the emperor was gone, this monſtrous beaſt called a ſynod of biſhops to decide the controverſy between *Leo* and him, who juſtified him, calling him *the moſt godly, and moſt holy Pope*, condemned *Leo*, and thoſe that ordained him, and that were ordained by him. And do you ſtill think, pray gentlemen, that all theſe ſentences ought to have been executed?

PH. I muſt really cry for quarter from you, *Theodulus*, for I am quite ſick of your eccleſiaſtic hiſtory. If the point you would have yielded, on our part, be, that every deciſion of a church judicature, even in the laſt reſort, ought neither to have been made nor executed, I frankly give it up, Sir, and beg you may ſave yourſelf the trouble, and me the pain, of reciting and hearing any moe inſtances of them.

TH. That, Sir, is the very point, which, if it had been yielded from the beginning, would have brought the preſent controverſy to a ſhorter iſſue. For then we would have been brought at once to the particular queſtion; Whether the violent ſettlements that have been decreed by the late aſſemblies are ſuch as juſtly may be ſcrupled at by thoſe who have had the execution of them impoſed on them. But as the writers and arguers on the ſide of authority have all choſen to put the argument on the general footing, it became neceſſary for opening our way to the particular queſtion, to remove that rubbiſh wherewith they have retarded us; and the inſtances which have been given, and may be given by hundreds upon demand, I hope will ſatisfy you that whatever ſpeculative arguings you may amuſe yourſelves and others with in theory, yet your doctrine will not anſwer in practice. This, I acknowledge, has been ſometimes ſaid of *our* doctrine, when no other reply to our arguments occurred. But with what juſtice I leave you to judge from the hiſtory of the church.

I aſſure you it is no very agreeable office to rake into ſo much unſavoury ordure: and therefore I thankfully accept of the releaſe you have given me from it, having ſeveral hundred years ſtill before me wherein matters were growing worſe and worſe. But if you incline to have any proofs of this, I ſhall only refer you to an appendix of Dr. *Whitby*'s to his book of *The Abſurdity and Idolatry of Hoſt-worſhip*, where you'll find a large collection of original teſtimonies concerning the dreadful corruption and amazing profaneneſs of the clergy of theſe ages from authors that lived in the reſpective centuries. I might likewiſe have illuſtrated the argument by inſtances of Proteſtant ſynods ſince the reformation. But as you are already tired with theſe things, I

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ſhall only, in a word, put you in mind of the *Engliſh* convocation in 1640, and of the *Scots* general aſſemblies from 1606 to 1618, the conduct of which gave occaſion to a very material alteration of our conſtitution by the aſſembly 1639, which lodged the legiſlative power in the diffuſive body of church officers, and left the aſſemblies only an executive power limited by the ſtanding acts. And this reminds me, *Andropodius*, of putting an end to the exerciſe you have had of your patience. You ſeem to have ſtill ſome confidence in the *third Reaſon of Diſſent* from the commiſſion in *March* 1752. You are now at liberty to let us hear what you have to ſay upon it.

§ 11. AN. I fancy, *Theodulus*, you have prepared an evaſion to elude the force of my argument in the inſinuation whereby you have introduced it. We are ready to acknowledge that the whole legiſlative power does not now reſide in the aſſembly alone. Yet 'tis the aſſembly that propoſes new regulations, or at leaſt tranſmits them to the conſideration of preſbyteries, if propoſed by any inferior judicature. But whatever be in this, you know that " their powers are of two kinds, the one legiſ- " lative, the other executive. Their powers are bounded in the " firſt, but unlimited in the laſt. Their executive powers relate " to their deciſions in all private cauſes. And here their ſen- " tence is final, there lying no appeal from them. From this it " fully appears, that obedience in inferior courts to the orders " of aſſembly is implied in the very nature of our conſtitution, " and in that ſubordination of judicatures which is here eſtabliſh- " ed *. Wherever there is a ſubordination of courts, there is " one that muſt be ſupreme. For ſubordination were in vain, " if it did not terminate in ſome laſt reſort. We do not pre- " tend to veſt any court with infallibility; but we cannot help " being ſurprized, that any one of our brethren ſhould have " been at a loſs to conceive this plain and obvious principle, " that it is eſſential to the very idea of a ſupreme judicatory, to " be abſolute and final in its deciſions. Such a ſupreme judica- " tory, according to our conſtitution, is the general aſſembly of " the church. And therefore if the deciſions of the general aſ- " ſembly may be diſputed and diſobeyed by inferior courts with " impunity, we apprehend the Preſbyterian conſtitution to be " entirely overturned †."

TH. Why do you not go on? Pray, *Andropodius*, where have you learned this ſobriety in your ſtile? You are not beginning

* Juſt View of the Conſtitution, *&c.* p. 5.

† Reaſons of Diſſent from the Commiſſion, *March* 1752. p. 9.

ning to be aſhamed are you, of the ranting language of the Diſſenters? For thus, you may remember, they proceed in their argument: "There is no occaſion for this church to meet in its "general aſſemblies any more. Our government is at an end. "Our church totters from the very baſis; and is expoſed to the "contempt and ſcorn of the world, as a church only in name; "without union or order, deſtitute of ſtrength to ſupport its own "conſtitution, falling into ruins by the abuſe of liberty." For my part, I have now been ſo long accuſtomed to this elegant ſort of declamation, that when I meet with ſo *Laconic* an orator on that ſide, as you are like to grow upon my hand, I am always apt to imagine that there is ſomewhat amiſſing, which my ear is ready to attend in the expectation of. And really, Sir, I am ſatisfied that theſe long robes in the drapery of their argument, are abundantly excuſable in the diſputants on your ſide of the queſtion, if not abſolutely neceſſary to fill the eye of a reader. They ſerve, at leaſt, to convince us of one thing, that the penury of argument ſo obſervable among them, cannot be imputed to any want of invention in the writers. They ſhow us what a variety of phraſes they can expreſs their aſſertions in. If there really is no ſuch thing as any medium of proof to exerciſe their invention upon, no body, to be ſure can blame them for not having yet lighted on any ſuch thing. I have been at ſome pains in turning over all the leaves I have met with on this argument, and muſt own that you have given us the ſubſtance of all that has been, or I believe can be ſaid upon it. And yet upon reflexion, I appeal to you whether there is any thing elſe but a bare aſſertion. An aſſertion which as they could not but know was denied on our ſide, muſt appear ſhamefully bare with all the ornamental drapery in which I may ſay, it is expoſed.

AN. I wiſh, *Theodulus*, when you have appealed to me, you may not make the ſame ſort of *Umpire* of me that you do of the aſſembly, *i. e.* refuſe to ſubmit to my deciſion if I ſhould, as I certainly will, give it againſt you.

TH. I muſt confeſs indeed, Sir, that when I appeal to you, I take it for granted that you are limited in your deciſion by the apparent reaſon of the thing, as it ſhall be pointed out to you. If you were to aſſume a power of deciding that 3 and 3 make 7, or 8, as you pleaſe; if you ſhould openly avow that you have a right to find that 5 is more than 1000, I would certainly retract my appeal. But as I am very ſure theſe are claims which you will frankly renounce, I think myſelf abundantly ſafe. In like manner when I appeal to the aſſembly, I take it for granted, that as men, they are limited in their deciſions by the laws of God;

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as Chriſtians, by the Laws of Chriſt; and as members of this church, by our ſtanding acts and conſtitutions. And therefore the only meaning that any appeal to them is capable of, muſt be, that if their deciſion, tho' contrary to my opinion, does not expreſly contradict any of theſe laws, I ſhall entirely acquieſce in it: if it does; as there is no other court that can reverſe it, and they have in their own hands the power of execution as well as deciſion, their ſentence muſt, in the iſſue, take place in the ſociety, and end the litigation. But as all the above laws are of ſuperior authority with me, no deciſion of an executive court can oblige me to act in oppoſition to theſe. If indeed the aſſembly notwithſtanding all the remonſtrances that I think inferiors may often be called to make, ſhould not only refuſe to alter their ſentence, (which I know nothing in our conſtitution to hinder, either the ſame, or a future aſſembly from doing, after innumerable examples of eccleſiaſtic councils) but ſhould likewiſe inſiſt upon an active execution of it by me particularly, as a term of miniſterial communion, they have, no doubt, Sir, a power of executing their threatening: but whether they would in every inſtance be right in doing ſo, is a queſtion that, I hope you will allow, depends upon the merits of the reſpective particular cauſes.

An. So it ſeems you reſerve a right of judging for your ſelf, after the *final* judgement? Can you vindicate this, Sir, from being a contradiction in terms? The aſſembly is the *final* judge whether their ſentence is contrary to the laws or not, and yet *you* reſerve a power to judge the ſame queſtion after them; do you not?

Th. For myſelf, Sir, indeed I do. Nay, I will take upon me to communicate a ſecret to you, which perhaps at this preſent moment, you are not appriſed of; tho' I will venture again, after a queſtion or two, to appeal to yourſelf for the certainty of the fact: and that is, that you yourſelf do the ſame. If you can bear the truth being told you, you not only endeavour to perplex others, but you really do perplex yourſelves, by refuſing to admit the diſtinction between a *public* and a *private judgment*. The judgment of the aſſembly is in our conſtitution, final, in the ſenſe which I have juſt now explained. It is the laſt: but the laſt, what? Not the laſt private judgment; that is impoſſible. It is the laſt publick judgment indeed. But when our own perſonal actions are concerned, every man, Sir, that has them to anſwer for to God, and that does not look upon himſelf as a machine, muſt have a *private judgment* of the lawfulneſs of what is required of him: there is no help for it. Nothing,

thing, believe me Sir, hinders you from perceiving this, but that the unlawfulneſs of the actions in queſtion appears ſo ſmall in your eye as not to attract your obſervation. Allow me but the aſſiſtance of a microſcope to magnify it a little to you, or to preſent you with objects that are groſs enough for your naked eye, and the truth of what I am ſaying will be obvious. Suppoſe the aſſembly ſhould appoint you to marry me to another woman, my wife being ſtill alive; ſuppoſe they ſhould appoint you to ordain a miniſter of four years old; or one that could neither read nor write, as *Trypho* when he was made patriarch of *Conſtantinople*; or one that had opened his way to the office by forcibly carrying off his predeceſſor to an iſland where he ſtarved him to death, and promiſing to promote hereſy, as well as paying 200 pieces of gold, all which was actually the caſe of *Vigilius*, who was ordained biſhop of *Rome* in 537; would you not in ſuch caſes as theſe be ſenſible of the neceſſity of exerciſing your own *private judgment?* Now what other difference is there between any of theſe caſes, and the affair in queſtion between us, but that you are ſenſible in the one caſe of a ſuperior authority reſtraining you, which you are not ſenſible of in the other? This however, you ſee plainly, determines the general point, that private judgment muſt be exerciſed after the publick one is paſt: otherwiſe we are obliged to do all the wickedneſs that ever was voted in an eccleſiaſtic ſynod from which there lay no appeal. It may happen that we exerciſe our own judgment wrong: but ſurely it is not wrong that we exerciſe it.

When, in any inſtance, it is alledged, that the orders of aſſembly are contrary to any of the laws that have been mentioned, you would put the vindication of them upon a right footing at leaſt, if you only pretend to ſhew that this was the miſtake of the objector, and that they were perfectly conformable to theſe laws; which would at once bring us cloſe to the merits of the cauſe. But to tell us who are appointed to execute theſe orders, that we have no buſineſs with ſuch an objection, that our private judgment is ſuperſeded by the public judgment in the laſt reſort, and to have recourſe to ſo poor a ſophiſm, to play with the word *final*, and to infer from the aſſembly's giving the *laſt public* judgment, that therefore there is no room for what is not pretended to be a *public* judgment at all; what other effect, Sir, can this have, but, beſides giving us ground to ſuſpect that they aſſume a right of deciding in oppoſition to theſe laws, to confirm our apprehenſions of the contrariety alledged? As it is not to be imagined that any man of common ſenſe, who had the firſt plea to make uſe of, would put the defence of a cauſe he wiſhed well

well to, upon ſo deſperate and ſo ſhameful a footing: or that if he thought the firſt a tenable plea, would be at the exorbitant expence of maintaining Popery itſelf, to avoid being reduced to it. For you may believe me if you will, but it is certain, that ſuch arguments can impoſe upon no truly honeſt man, but ſuch as approve of the orders that are diſputed. All the ſophiſtry that is ſo apt to blind the eyes of thoſe who are not ſenſible of the alledged contrariety, will, upon the firſt clear perception thereof, and would, if the caſe were your own, Sir, be immediately blown away like chaff before the wind.

But it ſeems, *Andropodius*, you think we have ſomething here more than bare aſſertion and declamation. I aſſure you, I am glad to hear of any thing like argument in your authors, being quite famiſhed for want of it. And as the caſe appears to me at preſent, I think myſelf able to ſhew, that, notwithſtanding the frequent returns of this cry about *our conſtitution being overturned*, both in converſation, and in the writings on your ſide of the queſtion, (I may ſay, *uſque ad nauſeam*, for I can find nothing but the cry) yet *you have given both the heavy ſtroke and the loud cry*, that *our* whole principles and practice too are ſo far from being unfriendly to the conſtitution, that it would really be overturned by *your* meaſures, if it were not for the reſiſtance you have met with on our part in ſupport of the conſtitution. So that this argument, like the preceeding one muſt recoil upon yourſelves. Theſe are things which I ſhall not ſatisfy myſelf with the bare affirmation of, or expreſſing my ſurpriſe if you are at a loſs to conceive them, but ſhall lay before you convincing proofs for every thing I ſay. In the mean time, let us hear what are the proofs that have been offered on your ſide, in ſupport of the cry.

An. There are two arguments inſiſted on in the third reaſon of diſſent, one of which I have mentioned, *viz.* the ſubordination of all other judicatories to the aſſembly, whoſe deciſions being final, cannot be diſobeyed, without depriving them of that privilege. The other I have not mentioned, namely, the engagements to obedience which are required of every miniſter at his ordination. The laſt is an obligation that, however binding, may be ſaid to be ſuperinduced upon our conſtitution, but as it is now become a neceſſary part of the ceremonial in the ordination of every miniſter of the church of *Scotland*, muſt be owned to be grafted into our conſtitution, and to be, in ſome meaſure, one with it. The other is an eſſential part of the conſtitution itſelf, without which, we may be a church, perhaps, of ſome other denomination, but we can by no means be called a *Presbyterian church*.

Th. Sir, I do not complain of any want of illuſtrations on that part of the argument, that the ſubordination of judicatures and our ordination engagements do belong to our conſtitution, but on the other, which, you muſt allow, is equally neceſſary to the concluſion, *viz.* that our principles are inconſiſtent with either of them. To begin with the ſubordination of judicatures: Pray Sir, what principle of ours is inconſiſtent with this ſubordination? One principle of ours is, that inferior judicatures are to obey the ſupreme, not only when they enforce the laws of Chriſt, but in all things that are not contrary to them. Another principle of ours is, that the general aſſembly has not only a power of deciſion, but likewiſe of directly executing their own ſentences, without being ſtopt, as all inferior courts may be, by an appeal to another court; ſo that they have it in their power, to give full redreſs to any party that appeals to them, and to make their ſentence actually take place in the ſociety, which no inferior court has. Theſe principles, Sir, we think, a ſufficient foundation for our Preſbyterian conſtitution, and I cannot think it is in any of them that you'll alledge the inconſiſtency to lie. 'Tis true indeed, that whereas you have ſtarted a doctrine that is quite new to Preſbyterian ears, *viz.* that the active obedience of individuals and inferior judicatures to the general aſſembly ought to be abſolute and unlimited; this we do indeed take upon us to deny; and here, to be ſure, if any where, muſt the inconſiſtence be ſuppoſed to ly; not only as it is the only part of our doctrine where there can be the leaſt ſhadow of inconſiſtence, but as it is, I think, the only part of it which you diſpute with us. If there is any other principle of ours at which the objection is levelled, let it, I beſeech you, be pointed out, and the place quoted where it is maintained, that we may not argue in the dark. If there be no other, let it be remembred, that it is this, and this only by which our conſtitution is ſaid to be overturned.

Now, not to mention that this is a principle which we do not only aſſert, but have proved beyond contradiction, and ſhown it to have been always a principle of Preſbyterians and true Proteſtants, and which you yourſelf have at laſt yielded to, I would fain know, Sir, what proof they have brought to eſtabliſh the ſingle thing that is controverted, the inconſiſtence of this with our Preſbyterian conſtitution? I do not mean only what *good* proof: but what ſhadow or pretence of argument they have had recourſe to, for convincing us of what they *knew* we denied? What medium they have adduced, other than the bare aſſertion of the thing itſelf? They wonder indeed, and *cannot help being ſurpriſed that any one of their brethren ſhould have been at a*

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loſs to conceive this plain and obvious principle, that it is eſſential to the very idea of a ſupreme judicatory, to be abſolute and final in its deciſions. But if I were to wonder at any thing of this kind, it would be, to ſee theſe words immediately following the preceeding ones, wherein they tell us, that *they do not veſt any court with infallibility*: or to find men of their ſenſe repreſenting the peculiar prerogative of the great Judge of all, as eſſential to the very idea of any human tribunal: or to find you, *Andropodius*, imagining it to be an argument that ought to convince us, when they only expreſs their ſurpriſe that we are not of their opinion.

After all, Sir, whatever cry has been raiſed about the *Presbyterian* conſtitution, (for what reaſon, may be eaſily gueſſed), you ſee, when the thing comes out, it is what the *Presbyterian* conſtitution is no more concerned in, than any other conſtitution in the world. If there is a queſtion at all, it is a queſtion that equally relates to every kind of human government; for you ſee plainly, the queſtion is not, *From* whom, and *to* whom obedience is due? or, Who are ſuperiors, and who inferiors? But what *kind* of obedience is due to any earthly, or at leaſt to any eccleſiaſtic ſuperior whatever? This the diſſenters themſelves are ſo ſenſible of, that, whatever it be which they maintain in oppoſition to us, they cannot help repreſenting it as *eſſential to the very idea of every ſupreme judicatory*, conſequently as a thing that is common to *every* conſtitution of government whatever, as well as the *Presbyterian*. And undoubtedly they are ſo far right, that the very thing diſputed between us, is, Whether the degree of obedience which they plead for is due to any court upon earth? When we deny it in the caſe of the moſt abject ſlave to the maſter whoſe property he is; in the caſe of a child to his parent; when the *French* Proteſtants refuſed it to their *grand monarque*; nay, when the abſolute tyrants of the Eaſt do not pretend to it *; there is really ſomething ſo extremely whimſical in a *Presbyterian* conſtitution of church government being overturned for the want of it, that one can ſcarcely help ſympathiſing with diſſenters, in ſuch extreme diſtreſs for want of *reaſons*, that in ſix weeks time they could not light upon ſomething that was capable of a more ſpecious appearance.

The abſurdity of this imputation will farther appear, if we con-

* There is one thing, however, that may be oppoſed to the prince's [*king of Perſia*'s] will, namely, religion. They will abandon a parent, nay, they will kill him, if the prince ſo commands; but he cannot oblige them to drink wine. The laws of religion are of a ſuperior nature, becauſe they bind the prince as well as the ſubject. *Spirit of Laws*, *b.* 3. *c.* 10.

conſider not only the total want of any thing like a proof of it, but the poſitive evidences that may be produced in direct contradiction to it. How can our denial of abſolute and unlimited obedience overturn our conſtitution, when the very doctrine of our church denies it; when, in her practice, ſhe has inflicted cenſures upon ſuch as yielded it; when upon the moſt critical occaſions, ſhe has openly renounced it, and enacted regulations on purpoſe to aſſert her denial of it, and to preſerve the liberty of individuals againſt it; and when it is certain, not in declamation, but in plain hiſtorical fact, that if our doctrine had not been put in practice, her conſtitution had actually been overturned. —— To begin with the laſt,

With what front could the diſſenters ſay, *If the deciſions of the general aſſembly may be diſputed and diſobeyed by inferior courts with impunity, we apprehend the Preſbyterian conſtitution to be entirely overturned?* When 'tis undeniable that if the deciſions of all the general aſſemblies towards the beginning of the laſt century had *not* been diſputed and diſobeyed, our conſtitution really had been loſt. Did not the famous aſſembly 1638 actually recover and reſtore our ſhattered conſtitution, ſhattered by the compliances of men of the Diſſenters principles; and that, among other means which they applied to this purpoſe, by ſeverely cenſuring thoſe who had *not* diſputed and diſobeyed the deciſions of former aſſemblies? Did not our church, ſoon after that, adopt a *Confeſſion of Faith*, which all her miniſters are now obliged to ſubſcribe, wherein it is aſſerted, that "God hath "left the conſcience free from the commandments of men, which "are in any thing contrary to his word: ſo that to obey ſuch com-"mands out of conſcience, is to betray true liberty of conſcience, "and the requiring of an abſolute and blind obedience is to deſtroy "liberty of conſcience and reaſon alſo. That all ſynods and coun-"cils ſince the apoſtles times, may err, and many have erred: "therefore *they are not to be made the rule of* faith, or *practice*." And, in our own times, did not even the commiſſion of aſſembly 1733 which ſuſpended the four ſeceding brethren, offer them the liberty, (I do not ſay of declining to execute the act 1732, that had been then reckoned a ſmall matter, but) of teſtifying againſt it even in the pulpit, had they but been content with the liberty of doing it in a decent manner *. "They were not here-"by obliged, (ſay the authors of the narrative publiſhed by or-"der of the commiſſion) to *act* contrary either to their light or "conſcience, nor required to renounce their judgment concern-"ing the ſaid act; nor were they bound up from reaſoning in a "de-

* See the propoſals made to them, p. 38 of the Narrative, publiſhed in 1734.

" decent and becoming manner againſt it, when in judicatures, " they might be called to judge of controverted calls; nay, the " preſs was free to them: and ſo they had all liberty to impugn " the ſaid act, with all the ſtrength of reaſon they were maſters " of, without any trouble or proſecution upon that account †." Nay, did not the next aſſembly 1734, to prevent any ſuch miſtake of our conſtitution, publiſh an act on purpoſe to *aſſert miniſterial freedom*, declaring therein, that " It is ſtill left entire " to all miniſters, and that the ſame was not, nor ſhall be held, " or underſtood to be any wiſe impaired, or reſtrained, by the " late aſſembly's deciſion in the proceſs concerning Mr. *Ebenezer* " *Erſkine* and others?" Will any man ſay that the liberty of teſtifying againſt intruſions, even from the pulpit, in the loudeſt manner that is conſiſtent with decency, can be reconciled with an obligation to have an active hand in them? And which is more ſtill, did they not, in effect, reverſe the cenſure that had been inflicted by the preceeding aſſembly upon the ſaid Mr. *Erſkine*, for even the *indecent manner* in which he had oppoſed the aſſembly 1732? And is it not a notour fact that at that time, and till very lately, when preſbyteries refuſed to execute the violent ſettlements that were ſometimes appointed by aſſemblies they took the execution into their own hands, and appointed a committee for that purpoſe of ſuch as had no ſcruple about the matter? After all this, Sir, if there be any ground for ſurpriſe, it would ſurely be better beſtowed upon thoſe who make ſo tragical an outcry of the conſtitution being overturned for want of a thing that has been proven to belong to no earthly judicature in the world, and that not only without the leaſt pretence or ſhadow of proof, but againſt ſo much poſitive evidence, and when every peculiarity of that conſtitution lies ſo directly againſt the bare, the ſhameleſs aſſertion.

§ 12. AN. I will not pretend to ſay that the Preſbyterian form of government has any thing in it that renders it more abſolute and unlimited than any other form. But this I will ſay, Sir, that it very ill becomes you to complain of the meaſures we have been forced upon to procure obedience from preſbyteries, by the very outcries raiſed by your friends againſt the indulgent method taken formerly to execute the deciſions of the aſſembly by committees appointed for that purpoſe. And ſurely you muſt allow that there is this much at leaſt *unconſtitutional* in your doctrine, and in the obſtinacy of preſbyteries that it obliges the aſſembly to take an *unconſtitutional* method of executing their ſentences. And

† Ib. p. 42.

And here, *Theodulus*, let me aſk you two or three queſtions. Tho' you will not admit the deciſions of aſſembly to be *abſolute*, or to ſuperſede your own private judgment; do you not allow them to be *final?* If they are final, muſt they not be executed? Or do you think that an affair can be ended by a ſentence that is to remain unexecuted, and can have no effect but to be entered upon our records? If then it *muſt and ought* to be executed, which I cannot think any body will refuſe who acknowledges it to be final, is not the preſbytery of the bounds the proper executors pointed out by our conſtitution? Would it not be at leaſt, *ſomewhat unconſtitutional* to be always ſending ſtrangers to ordain miniſters within the bounds of a preſbytery the members of which are all ſitting ſtill in their own houſes? Is not this ſome appearance at leaſt of confuſion and diſorder in the ſociety? And tho' the aſſembly may indulge a preſbytery once or twice, is it fit, think you, to let this run into a common cuſtom? Tho' you ſhould be ſo good as to excuſe a ſcrupulous ſervant upon a particular occaſion, and do the buſineſs yourſelf, yet I dare ſay you would ſoon come to be ſenſible of the inconvenience of letting this run into an ordinary practice. Can you ſay that this would look like a well ordered family? Remember, Sir, in what light you was wont to conſider theſe committees of aſſembly. If we were to return to this practice, I hope at leaſt, *Theodulus*, you would ſit more quietly under them, and that we would not hear the ſame complaints of them as formerly.

TH. In this, Sir, you are very groſly miſtaken. For my part, I frankly acknowledge that I would complain as much as ever: Nay, as the new method that has been taken to force the execution of theſe illegal ſentences has only ſerved to engroſs our attention more than ever to the whole ſcheme of illegal and unconſtitutional government, 'tis highly probable that our complaints will grow louder and louder, till once the alteration begins where it ſhould do, at the bottom; and the aſſembly conſidering us, as under a free and legal, not an arbitrary and tyrannical conſtitution of government, ſhall paſs ſentences ſo agreeable to our ſtanding laws, as may be *legally* executed in a conſtitutional manner.

You have now, Sir, opened up to me a myſtery which I was really at ſome loſs to comprehend. I have, for a long time, heard a mighty noiſe about our conſtitution being overturned, raiſed againſt thoſe who adhere *ſo inviolably* to our ſtanding acts and conſtitutions, that no terrors can prevail upon them to have an active hand in breaking them; raiſed by the very perſons who have *ſo little* regard to them, as to ſet an example of deſpiſing them,

them, and trampling them under foot; to all inferior judicatures, by the deciſions of the aſſembly itſelf. This appeared ſomewhat extraordinary. Strange conſtitution! thought I, if a firm adherence to the ſtanding laws be the very thing that breaks it into pieces. A cry, however unreaſonable, is wont to be founded on ſomething that affords at leaſt a plauſible pretext for it. But how the very men who choſe to run any riſk rather than act in contradiction to the eſtabliſhed conſtitutions of the ſociety came to be loaded with the imputation of any hurt that 'tis acknowledged it has ſuſtained; this was the myſtery. Now it comes out, that the unconſtitutional thing complained of is confeſſed to be your own act indeed, but an act which you are neceſſarly driven to, you ſay, by the conduct of others; and therefore that conduct of theirs muſt bear the weight of all.

Why, truly, Sir, I ſhall not refuſe that it ſhould, if our confuſions can be traced up to no higher ſource. But if the deciſions of the aſſembly are *illegal*, here the miſchief begins. Execute them which way you will, Sir, there is no avoiding ſome occaſion of complaint. It is like the caſe of an ill informed conſcience: If one conforms to the dictates of it, he does ill; if he acts againſt them, he does ſtill worſe. Of the two, to be ſure, 'tis the worſt, and the moſt tyrannical meaſure to force by worldly terrors, reluctant conſciences upon the execution of illegal ſentences. A committee may be better than downright *Romiſh* tyranny and perſecution, and yet may be very far from being a right thing in itſelf for all that. But as you have been pleaſed to catechiſe me, I muſt return an anſwer to your queſtions.

I acknowledge that the deciſions of aſſembly, as the higheſt court in our conſtitution, and the laſt reſort in the executive part of our government, may be called *final*. But then, I ſuſpect, you include more under that word than I do, and therefore 'tis fit that the ideas it ſtands for in both our mouths be diſtinctly ſpecified. What I mean when I ſay the aſſembly has *the final deciſion*, is that, whereas by our conſtitution there lies an appeal from a ſeſſion, from a preſbytery, from a ſynod, till you come to the aſſembly, there is no reſort beyond that, in the executive part at leaſt of our government: ſo that their ſentence cannot regularly be repealed by any other court, as the ſentence of every other court may be by them. But do not you mean more by its being *final?* Do you not imagine that the very ſound of this awful word, importing an *end* being put to the matter, is enough to fright every one from the leaſt thought of any farther demur? And that even the aſſembly itſelf has it not in their power

power to make the leaſt alteration, or to ſave the church and religion itſelf from ſinking, tho' this could be made appear to be the conſequence of the irreverſible doom? But what is it that obliges you to carry the matter ſo far? Is it the meer ſound of the word? This would be to play like a child, but it would be a little too ſerious for children's play. And for any one really and idly to bind himſelf neck and heel, ſo as to put it out of his own power ever to recover his liberty when no body was laying hands upon him, this, I think, would be no leſs than madneſs. Let us ſuppoſe that when our friend *Philarchus* was building his houſe, a difference had ariſen among the workmen concerning the kind or the dimenſions of the timber intended for the roof or the floors; and the journeymen and apprentices not being able to agree among themſelves, the foreman had interpoſed his deciſion. But his opinion not being ſubmitted to, an appeal had been made, firſt to the maſter wright, then perhaps to the architect, and at laſt to *Philarchus* himſelf. In this caſe *Philarchus* is the *laſt reſort*, and his judgment is *final*. But ſuppoſe after he had pronounced his deciſion, and given orders accordingly, ſome of the tradeſmen had convinced him that the dimenſions which he had pitched upon were too ſmall for ſuſtaining the weight, and had given him ſeveral inſtances of houſes that had fallen thro' that very fault, whereby ſeveral perſons had actually loſt their lives; would *Philarchus*, think you, in ſuch a caſe, have really and ſeriouſly found it out of his power to reverſe the final deciſion, and been of opinion that there was now an abſolute neceſſity for him and his family to riſk their lives under the preciſe ſort of roof that had been ſo fatally determined?

Let us ſuppoſe that his miniſter had, in that critical moment, popp'd in upon him with his head full of church politicks, and finding him upon the point of countermanding his own orders, had taken the alarm at the terrible diſorder and confuſion which this gave him the proſpect of, and the total overturning of all family oeconomy, which he foreſaw to be the conſequence of it. I aſſure you, *Andropodius*, I never ſuſpected you of any want of regard for *Philarchus* and his family, as I never doubted of your regard for Chriſt and his family. And yet conſidering how little effect the one has had in unravelling the perplexities wherein you have been involved, I think I hear you, notwithſtanding the other, breaking out into the following exclamation: "What! "*Philarchus*, a *final* judgment, *not final!* That which is *final* "not *end* the matter! A laſt reſort, not the laſt! What ſhock- "ing contradictions, Sir! Every family muſt be turned topſy "turvy;

" turvy; nay, the very heavens and earth mix in their original " chaos if this be allowed. And better, ſurely, that *Philarchus* " and all his family were buried under the ruins of a ſingle " houſe, than that all nature ſhould be expoſed to ſuch tremen- " dous ruin and devaſtation." But pray Sir, what reception think you, *Philarchus* would have given to ſo ingenious a declamation? Or can it be ſuppoſed that he would have ſacrificed the ſafety of his family to the ſubtilties of a grammarian?

When the intereſt of religion is at ſtake; when the edification of the body of Chriſt, and the eternal ſalvation of immortal ſouls appear to be deeply affected by certain deciſions, and cannot be denied to be the principal and immediate objects of church government, and what ought to be directly in our eye; to hear of theſe important concerns being ballanced by a remote and chimerical influence which the reverſing of ſuch deciſions may have upon the ſecurity of ſome little temporal property, is really, Sir, ſetting theſe important objects in ſo very low and contemptible a point of view, that I will not ſo much as ſuppoſe an objection of this nature to come from you or from any who have the honour to be employed in the immediate proſecution of theſe grand and noble ends.

Inſtances of the churches practice agreeable to our principles are ſo many and ſo various, that it may be ſufficient to refer you to the ſmall ſpecimen I have already given you of facts that may be quoted in greater abundance that are diametrically oppoſite to your doctrine. I ſhall only mention two inſtances of this in the church of *Scotland* ſince the Revolution. The firſt is that of the aſſembly 1690, " Declaring all ſentences paſt againſt " any miniſters *hinc inde* by any church judicatory upon the " account of the late differences among Preſbyterians, from the " year 1650, till the re-introduction of Prelacy; to be of them- " ſelves void and null to all effects and intents." The other is of the aſſembly 1734, reverſing the ſentence of the preceeding one againſt Mr. *Erſkine* and others. And in both theſe caſes, there was not only no application from the parties, but in the laſt, it is notourly known that the brethren concerned would not ſo much as accept of it. The church of *Scotland*, Sir, conſiſtently with her being a Proteſtant church, *i. e.* a church reformed from errors and corruptions that had the higheſt degree of eccleſiaſtic authority in their favours, and agreeable to the ſentiments of the primitive church *, has never looked upon any

* Quis neſciat ſacram ſcripturam canonicam tam veteris quam novi Teſtamenti, certis ſuis terminis contineri, eamque omnibus poſterioribus epiſcoporum

deciſions in matters of religion as irreverſible, but ſuch as are contained in the records of holy writ.

In ſhort, Sir, we admit the deciſions of the aſſembly to be *final, i. e.* to be the deciſions of a court from which there lies no appeal, and which conſequently cannot be reverſed *by any other court*, and which they have a power by our conſtitution to execute themſelves, and ſo to make them take place in the ſociety. But then there are no leſs than three inferences that you ſeem to draw from this, or rather to confound with it, as if they were identical, neither of which it will bear, and which therefore we think ourſelves very conſiſtently at liberty to deny. In the firſt place we deny that all the deciſions of an executive court, tho' the laſt reſort which the conſtitution has provided with a judicative power, are therefore legal and conſtitutional. If the houſe of peers ſhould affirm a ſentence of an inferior court confiſcating the eſtate of a *Britiſh* ſubject, for refuſing to go to maſs, it would be a final judgment, and yet it would be very illegal and unconſtitutional for all that. When the ſecond general council of *Epheſus* depoſed *Flavianus* and the reſt of the orthodox biſhops, it was the laſt reſort which the Chriſtian ſociety could have recourſe to, and yet this did not hinder the ſentence which they paſſed in a judicial capacity to be moſt unchriſtian and illegal, againſt the infallible laws of the ſcripture, and the ſtanding conſtitutions of the church.

In

porum literis ita praeponi, ut de illa omnino dubitari et diſceptari non poſſit, utrum verum vel utrum rectum ſit, quicquid in ea ſcriptum eſſe conſtiterit. Epiſcoporum autem literas quae poſt confirmatum canonem, vel ſcriptae ſunt vel ſcribuntur, et per ſermonem fortè ſapientiorem cujuſlibet in ea re peritioris, et per aliorum epiſcoporum graviorem authoritatem, doctiorumque prudentiam, et per concilia licere reprehendi, ſi quid in eis fortè a veritate deviatum eſt. Et ipſa concilia quae per ſingulas regiones, vel provincias fiunt, plenariorum conciliorum authoritati, quae fiunt ex univerſo orbe Chriſtiano, ſine ullis ambagibus cedere, *ipſaque plenaria ſæpe priora poſterioribus emendari*, cum aliquo experimento rerum aperitur quod clauſum erat, et agnoſcitur quod latebat, ſine ullo typho ſacrilegae ſuperbiae, ſine ulla inflata cervice arrogantiae, ſine ulla contentione lividae invidiae, cum ſancta humilitate, cum pace catholica, cum charitate Chriſtiana. *Aug. de Bapt. contra Donat. lib.* 2. *cap.* 3. Will the Diſſenters allow this to be a juſt account of the Preſbyterian conſtitution? To which may be added another paſſage from the ſame celebrated father. Neque enim, *(ſays he,)* quiſquam noſtrûm epiſcopum ſe eſſe epiſcoporum conſtituit aut tyrannico terrore ad obſequendi neceſſitatem collegas ſuos adigit, quando habet omnis epiſcopus pro licentia libertatis et poteſtatis ſuae arbitrium proprium tanquam judicari ab alio non poſſit, quomodo nec ipſe poteſt alterum judicare, ſed expectemus univerſi judicium Domini noſtri Jeſu Chriſti qui unus eſt ſolus habens poteſtatem et praeponendi nos in eccleſiae ſuae gubernatione, et de actu noſtro judicandi. *Id. ib. lib.* 2. *cap.* 2.

In the next place we deny that the ſentences of an aſſembly, tho' irreverſible by an inferior court, are therefore irreverſible by the aſſembly itſelf. We are ready to acknowledge indeed that the reverſing even of wrong ſentences, ought not be done wantonly and unneceſſarly. But to ſay that the moſt important ſpiritual intereſt of the church may not ſometimes call for the exerciſe of ſuch a power, in the caſe of deciſions which are found to have a viſible tendency to the hurt and ruin of ſuch intereſt, is to expoſe the church and religion to a hazard which no wiſe man would chuſe to expoſe himſelf and his family to. Moſt men, I believe, have as high an opinion of their own good intentions at leaſt, if not of their capacity likewiſe, to judge of the intereſt of their own family, as any Proteſtant will pretend to have of all ſupreme church judicatures in their final deciſions of eccleſiaſtic affairs. And yet no man, who is not more than ordinarly obſtinate and headſtrong, would willingly bring himſelf under an obligation never to alter or retract any order that he may once happen to pronounce among his ſervants, or hearken to any remonſtrance that may be made againſt it, how much ſoever he might inſiſt that none of his ſervants ſhould preſume to counter-act ſuch orders while they remained in force. And there is nothing more certain than that every church which does not or did not pretend to infallibility, has always exerciſed this liberty.

In the third place, Sir, we deny that even a final deciſion, neceſſarly implies an indiſpenſible obligation upon all inferiors, whatever views they may have of it, to be active in the execution of it; which leads me to your next queſtion, If final ſentences *muſt* and *ought* to be executed? You have already heard enough about the execution of them by ſuch as think them ſinful, and by what has been juſt now ſaid, you may perceive that we think ourſelves under no neceſſity to yield that every ſentence even of a ſupreme court *muſt* or *ought* to be executed at all. Undoubtedly, Sir, there have been deciſions of this kind which, as they *ought not* to have been *made*, ſo they *ought not* to be *executed*. I am confident that when you aſk ſuch queſtions, you proceed upon ſome ſecret ſuppoſition of the innocence of ſuch deciſions as you mean. For if you really comprehend *all* deciſions that have been or may be made, and reflect ever ſo little upon the nature of ſome of them, of *many* of them, the propoſition which I have now aſſerted will appear to be inconteſtible, and, I am ſure, you will anſwer your own queſtion in the negative. And pray Sir, what is there in our conſtitution to hinder a preſbytery who have the immediate overſight of their

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own bounds, and may be ſuppoſed to be beſt acquainted with the ſtate and circumſtances of the people and of religion there, to repreſent to the general aſſembly the ruinous conſequences which they apprehend may follow the execution of what has been appointed by a preceeding one? And what is to hinder that aſſembly from recalling the orders that have been given any more than you or I may countermand our own ſervant, when once we are made ſenſible that the orders we may poſſibly have given him are imprudent and deſtructive in any conſiderable degree?

But what if the next aſſembly ſhould inſiſt upon the ſame ſentence with the preceeding one? This I confeſs there is too much ground to ſuppoſe. And therefore you aſk further: who are the propereſt executors? Has it not an appearance of ſome confuſion and diſorder in the ſociety to ſee a miniſter ordained by ſtrangers within the bounds of a preſbytery, the members of which are all ſitting at home? And you may add, in a pariſh where the people are all ſitting at home too. Indeed, Sir, it has a great deal. And if every body were as truly concerned to ſee it as I am, it would ſave, to us all, the pain of beholding it. It ſhows that we are under at leaſt an unpopular adminiſtration. And even this, Sir, never fails to be attended with very great inconveniences, and to be of bad conſequence to the ſociety. Nay, I have no ſcruple to add, whatever may be pretended to the contrary by the partiſans of arbitrary government, that unleſs we calumniate the bulk of our ſpecies, the hiſtory of the world muſt extort a confeſſion, that when rulers do really conſult the true intereſt of the ſociety, that is uſually a popular government, highly popular, Sir, in proportion to the uncommonneſs of the caſe. For my part, I own, I am ſo far from ſuſpecting the governed part of mankind of any general inclination to diſturb the eaſe and quiet either of themſelves or their governors by unneceſſary rebellion againſt authority, that I have ſeldom met with any ſtruggle for liberty in the hiſtory of either civil or eccleſiaſtic ſocieties, till after I have been firſt aſtoniſhed at the long patience and indolence of the people under exorbitant oppreſſion and tyranny. The unpopularity of our preſent adminiſtration (a violent prejudice at leaſt againſt it) is not the only thing expoſed to the public view by theſe ſame committees. They likewiſe ſerve to demonſtrate how little weight the edification of the people, and the ſucceſs of goſpel-ordinances, has in the deliberations of our ſupreme judicature. You and I are therefore likely to agree, that this phenomenon is an indication of ſome confuſion and diſorder in the ſociety; and ſo much the more by how much the practice becomes frequent and common.

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The grand queſtion however ſtill remains to be diſcuſſed: To whom this diſorder and confuſion is to be imputed? When the oppoſition made to the ordination of a child to be archbiſhop of *Rheims*, occaſioned a general aſſembly of the clergy of *France* to take the execution of it into their own hands, pray tell me, who were the authors? Who deſerved the blame of any uncommon circumſtance in that affair? If the houſe of peers, by a final deciſion, in a proſecution at the inſtance of a *Popiſh* prieſt, ſhould confiſcate a gentleman's eſtate for refuſing to go to maſs, and the ſheriff or ordinary officers of juſtice ſhould refuſe to put their ſentence in execution; who would be anſwerable for the conſequences, ſhould they take extraordinary ſteps to execute their own decree? Would any man blame the ſheriff, if, in ſupport of the laws and liberty of his country, he ſhould either loſe his office, or if a part of his buſineſs were taken out of his hands? Not to multiply inſtances of this ſort, it is certain, that when confuſion and diſorder happen in a ſociety, the blame of it can light no where elſe, but upon them who break the laws of the ſociety. If the deciſions of the aſſembly are agreeable to the ſtanding laws of Chriſtianity and of the church of *Scotland*, then they who refuſe to execute ſuch deciſions are chargeable with the confuſion that flows from their diſobedience. But if the deciſions which are refuſed to be executed, are contrary to theſe laws, here undoubtedly the diſorder begins. They who paſs ſuch ſentences, are chargeable with all the confuſion occaſioned thereby in the ſociety. The character of judges, even of final judges, with which they are inveſted, ſo far from covering them from the blame of deſtroying the ſociety, and overturning the conſtitution, is one of the moſt hainous aggravations of their fault. And the inferior refuſing to execute their illegal ſentences is he who adheres to the conſtitution, he whom the ſociety is obliged to for any proſpect that remains of the preſervation of their laws and liberties.

An. Suppoſe all this were to be granted you, *Theodulus*, what is it to the purpoſe? For let me aſk you here, who is to be judge whether ſuch and ſuch ſettlements are agreeable to our laws or not? This is the very queſtion that is litigated among the individuals of the ſociety, and that muſt have a final deciſion to end that litigation. Now whether is the general aſſembly or a particular preſbytery, by our conſtitution, the final judge of that queſtion?

Th. Permit me, *Andropodius*, to ſay that it really gives me no ſmall concern to ſee ſo many of you Proteſtant clergy, ſo perpetually taking ſanctuary, when you are preſſed, in a ſubterfuge, where the very higheſt pretences of the church of *Rome* might

might lie equally ſafe. I am perſuaded, that this can proceed from nothing elſe but your not adverting whereabouts we are in the argument. I am far from pretending that the illegality of any deciſions of the aſſembly is to be taken for granted upon my authority, or that of any preſbytery in *Scotland*. Nor are we ſo much as got that length yet in the argument, as to debate whether they are ſo or no. If you would permit us to diſcuſs this point, you'll perhaps have other ſort of proofs laid before you than mere authority, and other ſorts of authority than that of inferior courts or particular miniſters, an authority which you muſt own the aſſembly itſelf is ſubject to. It is in order to prevent our coming to theſe proofs, which we are ready to offer, that you keep us off with long weapons, and inſiſt that whatever the deciſions are, they muſt be ſubmitted to, not becauſe they are right, but becauſe they are the deciſions of a ſupreme court. And in ſupport of this argument, you never fail to aſk us, who is to be judge of the righteouſneſs of the deciſions in queſtion? Now, Sir, unleſs you are willing to allow the church of *Rome* the benefit of your defence, the ſame anſwer that will ſerve your purpoſe againſt them, will equally ſerve mine upon this occaſion. Suppoſe you had been appointed to ordain ſuch a monſter as pope *John* XII. or the patriarch *Trypho*, who could neither read nor write, or a child not yet come to the full uſe of ſpeech, I will not ſuppoſe you to have had ſo little regard to the authority of the apoſtle *Paul*, as to have complied upon theſe occaſions: but ſuppoſe upon your refuſal, your own query had been put to you, Who is the judge? Would you not have told them, as we now do to you, that there are very different queſtions confounded here, which, when carefully diſtinguiſhed, muſt be determined by very different judges? If the queſtion be, What is in fact to take place in the ſociety upon ſuch occaſions? Of this queſtion the church judicatories are by the conſtitution the proper judges. But as it is poſſible that theſe judges may judge wrong, very wrong, this may give occaſion to another very different queſtion, *viz.* What is your perſonal duty in ſuch a caſe? And of this queſtion you are the ſole judge yourſelf. If you ſhould happen to differ from your ſuperiors, a third queſtion will ariſe, *viz.* Whether you or they have judged righteſt? And of this every man will no doubt take the liberty to judge according to the view he has of the evidence on both ſides. In ſhort, Sir, you muſt either allow the benefit of this queſtion to all churches, at all times, and to ſupport every deciſion, or you muſt renounce any particular advantage of it upon this occaſion. Either every final deciſion of every church court, from the beginning

ginning of Chriſtianity to the preſent time, (now remember, dear Sir, what ſort of ones there have been), ought to have been obtemperated; or you ſtand expoſed to the whole force of your own truſty interrogation. If you make any diſtinction, as I am confident you will, it will bring us, whether you will or no, to the particular queſtion which you want to avoid, *viz.* Whether the diſputed deciſions are ſuch as ought to be excepted?

An. Well, but do you not own after all, *Theodulus*, that a preſbytery may be in the wrong as well as an aſſembly? And if each of them ſtick to their own opinion, which of their opinions ought to prevail? If the ſentence of the aſſembly is that which muſt take place in the ſociety, and a riding committee be an *unconſtitutional* thing, what remains, but that the preſbytery be forced to execute the ſentence themſelves? Otherwiſe recourſe muſt be had to a thing you do not ſeem to be very fond of. What would you have an aſſembly to do in ſuch a caſe? Are they obliged to yield to every obſtinate preſbytery?

Th. Sir, they are obliged to yield to the ſtanding acts and conſtitutions of the church. And when ever any confuſion ariſes from a punctual execution of theſe laws, let thoſe anſwer for it, who refuſe obedience to them in ſuch a caſe. An executive power acting contrary to conſtitutional laws is itſelf one of the greateſt diſorders that can happen in any ſociety, and nothing but confuſion can be the conſequence of it.

I do not deny that a preſbytery may be in the wrong. But I own I think it much more probable, that they who live in the bounds where the ſettlement is propoſed, who have been the witneſſes of every ſtep taken in the affair, and I may add, they who know what it is to have the cure of ſouls, may happen to judge right of a ſettlement in their neighbourhood, conſidered in an eccleſiaſtic view, than that many of the aſſembly-elders will do ſo, who from the ſuperiority of their worldly circumſtances, and their being perpetual members, are grown dictators in that court. And I do not at all think, Sir, that it would prejudice the authority, or even leſſen the dignity of that ſupreme court, if they ſhould ſometimes yield even their own opinion, to the ſenſe of their brethren who are more intereſted, and have far better opportunity to judge; when the preſbytery of the bounds, where a vacant pariſh lies, appear to be ſo deeply convinced, that the intereſt of religion would ſuffer by the execution of a ſentence that has been pronounced, as to run any hazard rather than have an active hand in it.

An erring conſcience is in the ſame dilemma with that which

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you ſuppoſe an aſſembly may be reduced to. In that caſe, one ſins if he acts agreeable to the dictates of it, and he ſins more ſtill, if he acts againſt them. What is to be done then? The true anſwer is, He ought to inform his conſcience better, and till once he uſes more diligence and impartiality in ſearching after truth, he cannot altogether avoid the diſpleaſure of God. In the mean time, he muſt act agreeable to his light. So when you aſk, what an aſſembly can do, when they meet with an obſtinate preſbytery, there is no doubt, Sir, but the beſt courſe they can take, is to return to the execution of our ſtanding laws. But till they do this, there is certainly no compariſon between forcing or attempting to force the execution of their ſentences by ſuch as think them ſinful, and taking the execution of them into their own hands, or employing ſuch as think it a duty to execute them.

Tho' I greatly diſapprove of ſettlements by riding committees, becauſe I think it ſhows too little regard for the ſenſe of thoſe who are by far the propereſt judges, too little regard for the edification of the people, and the peace of the church, and becauſe the deciſions executed by them have uſually been in oppoſition to our ſtanding laws: yet I do not think them, in the nature of the thing, ſo *unconſtitutional* as you ſeem to apprehend. I can figure to myſelf caſes where a ſuperior court may with advantage take the execution of a buſineſs as well as the deciſion of it into their own hands, and where the inferior court may even deſire them to do ſo. According to our conſtitution, the whole powers of an inferior court are abſorbed, as it were, by the ſuperior, upon a reference or appeal; a ſynod or aſſembly being nothing elſe but a preſbytery wider extended. And as in our conſtitution the judges themſelves are the officers for execution, ſo whatever court has the power of deciſion, muſt likewiſe have a power of execution. This puts me in mind of a great deal of very unconcluſive reaſoning, that you may remember you and your friends were mighty full of about a year or two ago, taken from the authority maintained by the judges in civil courts over their officers and executioners, and by generals of armies over their ſoldiers. To mention at preſent no other difference between the two caſes, here is an obvious one: The ſentence of a civil judge, or the orders of a general would be abſolutely ineffectual, if their officers or ſoldiers refuſed to put them in execution. A judge is not an hangman, nor can he ſo much as guard his priſoner, or diſtrain his goods. A general is not an army, he cannot beſiege a town, or fight the enemy alone. Whereas eccleſiaſtic courts conſiſt of the executioners of their own ſentences,

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and therefore, abſtracting from the equality of office, and the peculiar regard that conſcience is intitled to at an eccleſiaſtic tribunal, they can never be in the ſame neceſſity of doing violence to it, to prevent their ſentences from being ineffectual, as our other ſuperiors are, civil or military, to which they have been ſo often compared.

An. But pray, *Theodulus*, would not "this be juſt ſuch a "plan of goverment as would take place in your family, if, on "calling a ſervant or child to do ſome piece of buſineſs, and on "their refuſing, you called another ſervant or child, and on their "alſo refuſing, (which by the by they would ſoon learn to do), "you did the buſineſs yourſelf: Which I believe you would be "good enough to condeſcend to, in a few inſtances, as hath been "done in the church: but that you would ſuffer it to run into a "common practice, I very much doubt, kind, and gentle, and "indulgent as you are to your children and ſervants *."

Th. Sir, if the buſineſs were not of a different kind, but the very ſame, and it appeared neceſſary or proper to indulge a ſcrupulous conſcience in it at all, it would be extremely abſurd and inconſiſtent ever to inſiſt, in any one inſtance, upon their compliance with what it was thought reaſonable to grant a diſpenſation from. If I had a *Jewiſh* ſervant, and ſhould find it reaſonable to indulge his ſcruple about working to me upon one *Saturday* or two, the very ſame reaſon would equally move me to grant the ſame indulgence every *Saturday*, as often as it occurs. What would you think of a maſter, who after he had been ſo kind and indulgent, as to diſpenſe with a ſcrupulous ſervant's ſhaving him on the Lord's day, ſhould at length tell him: "Come, come, Sirrah, I have carried my indulgence to "you far enough already, in doing your work, for two or "three *Sundays* paſt. I am now reſolved to hearken no more to "your ſham excuſes, prepare immediately to do it yourſelf, or I'll "beat you into better manners?" Surely Sir, if you approved of the firſt part of his conduct, and were of opinion, that it was no more than a due regard to conſcience, and an indulgence fit to be granted, you would not, I think, be very laviſh in your encomiums upon the laſt part of it, or approve of his retracting that indulgence while the reaſon of it continued to ſubſiſt in its full force. Or if the maſter was a ſmuggler, and had a ſervant who ſcrupled to break the laws of his country, would his gentleneſs and indulgence deſerve to be celebrated, for excuſing a ſervant once or twice, if he ſhould ever inſiſt with the outmoſt rigour upon a punctual compliance with his illegal orders?

* Letters on Obedience, *p.* 16, 17.

The truth is, it will beſt appear on what ſide the greateſt patience and indulgence has been exerciſed, when we come to conſider the queſtion, Whether the late violent ſettlements are agreeable, or contrary to our ſtanding rules? If, (to uſe the words of the Preſacer to the *Reaſons of Diſſent*), *nothing is more evident than that for ſome years paſt, the authority,* [in its legiſlative capacity and enacted regulations] *and conſequently the conſtitution of this church, has been gradually weakened, by the repeated wounds it has received from its own members,* [by deciſions in the face of its laws, and that in its higheſt judicatory]; if *amongſt them a ſpirit of diſobedience to its laws has moſt unaccountably prevailed, and grows ſtronger and bolder every day; while, at the ſame time, ſuch hath been the indulgence, or rather, ſuch the remiſſneſs of our* [other] *church judicatories,* and of the ſociety in general, that they have only groaned in ſecret, without ſo much as thinking of any remedy proportionable to the diſeaſe; then, let the world judge whoſe lenity, or, if you will have it ſo, whoſe remiſſneſs has been moſt remarkable.

I hope none of you, gentlemen, will miſtake the *comparative* approbation I have given to the riding committees, and that only as a leſs *evil*, for an abſolute one. I am quite of the diſſenters opinion, that they "diſcover the weakneſs of the church, "and introduce the miniſter into his charge in the moſt unfa- "vourable way for his future uſefulneſs *." And I heartily wiſh, that this may be remembred in all future times. I am ſo pleaſed, gentlemen, to find my ſentiments agreeing with thoſe of your friends upon any branch of this ſubject, that I muſt likewiſe repeat to you a paſſage in the *Letters on Obedience*, which is entirely conformable to my way of thinking: indeed ſo much ſo, that I cannot account for it, how ſo ſenſible a man, as the author ſeems to be, came to be inſenſible in the writing of it, that truth was extorting from him a confeſſion of the very thing he was writing againſt, and that he was then giving up the whole cauſe, which at the ſame time he was contending for. "How- "ever much, ſays he, we may confide in the wiſdom and pro- "bity of aſſemblies, we ought rather to rely on the zeal and "firmneſs of preſbyteries, for the ſafety of our conſtitution. *A "judicature ſo conſtituted as our general aſſemblies are, and muſt "be, may poſſibly iſſue orders, which it would be the duty of in- "ferior judicatures to diſobey:* and for that reaſon I ſhall always "wiſh, that the power of diſobeying, and, by diſobedience, of "ſtopping the execution of ſuch orders, be preſerved entire to "inferior judicatures, and ſhall dread the conſequences of the "ſupreme

* Reaſons of Diſſent from the Commiſſion in *March* 1752, Pag. 21.

'' ſupreme judicature's giving into the practice of executing '' their own ſentences, upon inferior judicatures refuſing: be- '' cauſe they may in time do it, without waiting for a refuſal, '' and ſo become abſolute *."

We have the more reaſon to guard againſt the miſtaking of any *comparative* approbation of theſe committees for an *abſolute* one, becauſe the writers againſt us have actually fallen into this miſtake. The author of the general aſſembly vindicated has two pages of ſcolding, according to his uſual way †, founded as I apprehend upon this very miſtake. If there really are any of thoſe that ſcruple to execute ſinful deciſions themſelves, who *abſolutely* plead for its being done by others, let them, with my conſent, bear all the obloquy this foul mouth'd writer has thrown upon them. I undertake none of their defence. But how ſo polite an author as the letter writer could let the following paſſage drop from his pen is ſomewhat more ſurpriſing. " Our brethren, " ſays he, muſt be allowed to be men of conſcience, becauſe they " approve themſelves ſuch in their general conduct: But in the " preſent queſtion, if one ſhould ſubſtitute conveniency in place " of conſcience, he will not be far from the truth. And my rea- " ſon for thinking ſo is, their being ſo ingenious in deviſing me- " thods for the execution of thoſe ſentences by other people, " which they have not freedom to execute themſelves." How far ſome particular perſons who have not freedom to execute thoſe ſentences, may have urged a leſs tyrannical method of executing them than what has been lately attempted, I cannot pretend to ſay. But I am ſure, gentlemen, you know that, if riding committees are the methods hinted at, it was not to the *ingenuity* of perſons of this character that the *deviſing* of them can be aſcribed which the vindicator of the aſſembly expreſly owns ‡, and is indeed abundantly notour. And I heartily wiſh for his own ſake that a writer of this gentleman's character had not founded ſo uncharitable an opinion upon ſo very ſlight a ground. However, if there are any who have gone too far in ſupporting an authority which appeared to themſelves illegal and uſurped, and have given ſo much as a conſent to the execution, in any manner, of a deciſion which they themſelves conſidered as ſinful, unwarrantable, and unconſtitutional; I hope the thanks they have got for it from the two writters laſt mentioned will induce them to act a more conſiſtent part for the future, and put them in mind that what they have not freedom to do themſelves, neither ſhould they promote the doing of it by others, and that a ſmaller degree of activity

* *Ib. p.* 19. † *Ib.* 20, 21.

‡ The general aſſembly vindicated, p. 30.

tivity in getting a wrong thing accompliſhed is but a ſmaller degree of ſin. *Fas eſt et ab hoſte doceri.*

An. All this while, *Theodulus*, you have not touched the ſecond branch of our argument, taken from the engagements we enter into at our ordination.

Th. Indeed the frequent occurring of ſuch polite and charitable expreſſions as *violating our ordination vows*, &c. in the writers on your ſide, eſpecially in *The general aſſembly vindicated*, might ſeem to call for a very particular conſideration. The taking of this for granted (as for reaſoning, our defenders of authority, I ſuppoſe, do not think themſelves obliged to it) ſerved the ſcolding purpoſe of that author ſo much that he omits no opportunity of adorning his pages with ſuch kind of tropes. As for you, *Andropodius*, you may remember that this was touched upon in our firſt conference *, and I have never yet met with any reply to what was then ſaid. I not only ſhowed you that theſe engagements do not bind us to the obedience that is now inſiſted for, but that they do bind us to the contrary, and directly oblige us to the very thing we are blamed for. And to make you more ſenſible of this, (beſides what has been already ſaid upon this ſubject) let me obſerve.

That there are two ſenſes put upon what we promiſe at our ordination. The firſt is, that we will give a blind and unlimited active obedience to whatever arbitrary orders may at any time be given by our ſuperiors in the executive part of the government of the church, tho' never ſo directly contrary to the eſtabliſhed rules and ſtanding acts either of Chriſtianity, or of this church, and that we will not ſo much as take upon us to examine into or judge of ſuch contrariety. The other is, that we will maintain the eſtabliſhed doctrine, worſhip, diſcipline and government of the church of *Scotland* againſt all the oppoſition, which any of them may, in providence, be expoſed to, even from our ſuperiors, who may bring us into trouble and perſecution upon that account; and conſequently may be ſuppoſed to lay their commands upon us, that we will never do a thing, by whatever earthly authority impoſed upon us, that may but indirectly tend to the prejudice, and far leſs what tends to the direct ſubverſion of the ſame: Conſequently that we muſt exerciſe our own underſtanding in judging of the nature and tendency of what is required of us. That our ſubmiſſion to judicatories in their due ſubordination muſt be according to the ſtanding acts and conſtitutions of the church, and that if any executive power ſhall happen to trample upon them, or ſhall do, or require to be done, any thing that

* See Terms of Communion, p. 57.----

that tends to the prejudice of our preſent conſtitution; we ſhall be ſo far from concurring with them, that we ſhall, to the utmoſt of our power, reſiſt any ſuch attempt.

Very poſſibly, gentlemen, you may not know the firſt ſenſe to be your own interpretation when thus expoſed to your view, or may be diſpoſed to diſown your legitimate off-ſpring. But the proofs are ſo clear of your being the true father, that all the law in the world will oblige you to maintain it, at leaſt till you break off your correſpondence with the mother, I mean the cauſe you are now defending. Such an abundance of theſe proofs have already fallen in our way, that I ſhall only mention at this time theſe two. The firſt is, your favourite, your triumphant interrogation, when ever we plead the contrariety of the aſſembly deciſions to our ſtanding laws: *Who is to be judge of this contrariety?* This, you know, is what you have conſtant recourſe to, as to a plight anchor that is able to reſiſt the moſt violent tempeſt of our reaſonings. And indeed 'tis certain that if we are not to judge of the conformity or diſagreeableneſs of any ſentence of aſſembly with our ſtanding laws, there remains no choice but to execute whatever they are pleaſed to appoint. The other proof ſhall be nothing elſe but this very allegation, of theſe engagements being contrary to *our* doctrine. For 'tis certain that, if theſe engagements do not bind us to obey what is contrary to our ſtanding laws, and leave us the liberty of a private judgment what is, and what is not ſo, there cannot be the ſmalleſt pretence of any inconſiſtency between them and our doctrine: So that the ſecond branch of your argument entirely depends upon the firſt of the above interpretations being the true ſenſe of our ordination engagements.

But to ſhow you that this *cannot* be the meaning of them, I might, (if I were not afraid of tiring you, eſpecially upon ſo plain a point, after I have had your attention ſo long) multiply the ſtrongeſt ſort of evidences. I ſhall not inſiſt upon what is ſo juſtly obſerved in the *Anſwers to the reaſons of diſſent*, that in all theſe engagements there is not ſuch a word as *obedience*; far leſs ſuch a phraſe as *obedience without reſerve*, which many ſeem now officiouſly willing to amend the *Formula* with. I ſhall not inſiſt on this being a ſenſe, the rejection of which muſt be preſumed, in our engagements to any created ſuperiors whatever, even tho' conceived in words that looked liker this ſenſe than any in the *Formula*. As theſe are but negative proofs, I ſhall add, (but juſt in ſo many words) two poſitive and irrefragable evidences, both taken from the *Formula* itſelf, whereby it will appear that every one who ſubſcribes it, muſt *ipſo facto* explicitely

plicitely *renounce* this ſenſe, and that he would bind himſelf to a downright contradiction, if he meant any ſuch thing.

The very firſt engagement we bring ourſelves under, and what the *Formula* begins with, you know, is aſſerting our belief of the doctrine contained in the *Confeſſion of Faith*, and owning it as the confeſſion of our faith. Now he that declares his belief of what is contained in chap. 20. § 2. and chap. 31. § 4. * of the *Confeſſion of Faith*, does thereby expreſly renounce the very thing which is pretended to be the meaning of theſe engagements.

Again, do we not promiſe that *we ſhall firmly and conſtantly adhere to, and to the utmoſt of our power, ſhall in our ſtation, aſſert, maintain and defend the doctrine, worſhip diſcipline, and government, of this church, and never endeavour, directly or indirectly the prejudice or ſubverſion of the ſame?* Now, let me aſk, Is it impoſſible that ever an aſſembly ſhould make an attack or encroachment upon the doctrine, worſhip, *&c.* of which we have declared our perſuaſion that they are *founded on, and agreeable to the word of God?* Thoſe who ſo freely accuſe us of violating our ordination vow, will not, ſurely, maintain ſuch impoſſibility. Nor will thoſe who know what aſſemblies we had from 1606 to 1618. But if another aſſembly were to follow their example, and require us to do what had a direct or even an indirect tendency to the prejudice or ſubverſion of theſe valuable intereſts, what does our ordination vow oblige us to in ſuch a poſſible caſe? According to your interpretation we muſt fall in with the conſpiracy. But, according to the expreſs words of the *Formula*, we muſt *firmly and conſtantly adhere to, and to the utmoſt of our power, aſſert, maintain and defend the ſaid doctrine*, &c.

§. 13. Thus I have ſhown you that there is no force in any branch of your argument, taken either from our ordination engagements, or the ſubordination of judicatories, to prove the leaſt hurt done to the conſtitution of this church by our principles or practice. And now, if I might preſume upon a little more of your patience, I would ſhow you before we part, that this whole argument recoils upon your ſelves, that 'tis you who are really overturning our conſtitution, and that therefore our ordination vow obliges us to act the very part we contend for.

What I have to lay to your charge, and which I ſhall endeavour to ſupport by the cleareſt proofs is no leſs then an endeavour to change the government of this church, from a free and legal

* See the words quoted in p. 100.

legal, to an arbitrary and deſpotic one. And in order to this, I muſt obſerve that the difference between a free, and a deſpotic government, *i. e.* between a conſtitution that is worth the contending for, and one that 'tis an honour to contend againſt, conſiſts entirely in this, that the firſt is a *legal* government, or a government *by laws*, the other an *arbitrary* government where the *mere will* and pleaſure of thoſe who have the adminiſtration in their hands prevails over the laws. A deſpotic government does not neceſſarily ſuppoſe the adminiſtration to be in a ſingle perſon. There may be one ſupreme magiſtrate in a free conſtitution, and the adminiſtration may be in the hands of many in an arbitrary one. The characteriſtic difference that chiefly diſtinguiſhes the one from the other is; where the laws prevail, and the ſupreme adminiſtrators of the government, or the executive powers are limited by them, and ſubject to them, ſo that individuals are protected and puniſhed too according to them, this is liberty, this is a conſtitution that wiſe men have always looked upon as not too dearly bought at almoſt any coſt. On the other hand, where there are no laws, or where the laws do not limit the executive powers, where they are entirely ſilent, and the ſupreme adminiſtrators of the government ſet up their own will for law, puniſhing and protecting too in direct oppoſition to ſtanding laws, this is tyranny, this is that conſtitution of government which the wiſeſt, and braveſt, and beſt men have always ſcorned to ſubmit to.

The peculiar advantage which we happy ſubjects of *Britain* have to boaſt of above the far greateſt part of the world is not ſo much the goodneſs of our laws: for what would that ſignify if the executive power could diſpenſe with them at pleaſure? But it conſiſts in being under the government of *laws*, and not of *men*. It conſiſts in the executive powers being as much limited by the laws as the meaneſt ſubject. So that no man can be expoſed to any degree of puniſhment, by the arbitrary caprice of a magiſtrate without having tranſgreſſed ſome known law, and the higheſt magiſtrate has not a liberty of trampling upon the laws, and puniſhing the ſubject at diſcretion. Accordingly, what was it that alarmed the nation at the Revolution, and united all ranks and all parties againſt the late king *James*? Was it not this very thing, that he would not ſuffer himſelf to be limited by the laws, but claimed a power to diſpenſe with them at pleaſure? This was the charge brought againſt him by the convention of eſtates in *Scotland*, in the famous *Claim of Right*, the quarrelling or impugning of which was afterwards by act of parliament declared to be high treaſon. The *impoſing of oaths*

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contrary to law, impoſing bonds, fines, &c. *contrary to law, impriſoning, torturing, and condemning people contrary to law,* &c. Theſe things, tho' done by the ſupreme executive powers in the laſt reſort, yet being contrary to the ſtanding laws, are called an *invading the fundamental conſtitution of this kingdom, and altering it from a legal limited monarchy to an arbitrary deſpotic power, whereby* king *James* was declared *to have forfeited the right to the crown.*

It is not only thoſe who have breathed the free air of this happy iſland, that have conceived this notion of government. Conſult even the *French* writers themſelves, and you'll find them agreeing in the ſame idea of liberty, or a conſtitution that is worth the contending for *.

And this liberty, gentlemen, (the nobleſt gift that God beſtows upon human ſociety) the church of *Scotland* (muſt I really ſay ?) *did once enjoy*. We *had* a legal conſtitution. We *had* laws. And great care was taken that ſuch laws only ſhould be enacted, as had the general conſent by their being firſt tranſmitted to, and examined by all the preſbyteries of this church. We *had* laws againſt the intruſion of miniſters contrary to the will of the congregation. We *had* a form of proceſs, whereby we foudly imagined, we had ſecurity againſt being depoſed, without a libel

* Liberty is a right of doing whatever the laws permit, and if a citizen could do what they forbid, he would no longer be poſſeſt of liberty, becauſe all his fellow citizens would have the ſame power. *B. Monteſquieu Spirit of Laws*, b. 11. ch. 3.

L' idée de liberté qu' une telle conduite inſpiroit, étoit admirable. Car la liberté que ſefiguroient les Grecs, étoit un liberté ſoumiſe à la loy, c'eſt à dire, a la raiſon même reconnuë par tout le peuple. Ils ne vouloient pas que les hommes euſſent du pouvoir parmi eux.——— La loi étoit regardée comme la maîtreſſe : c' étoit elle qui établiſſoit les magiſtrats, qui en regloit le pouvoir, et qui enfin châtiot leur mauvaiſe adminiſtration.———Quand la Grece ainſi elevée regardoit les Aſiatiques, elle n'avoit que du mépris pour eux. Leur forme de gouvernement qui n' avoit pour regle que la volonté du Prince, maîtreſſe de toutes les loix, et même de plus ſacrées, lui inſpiroit de l' horreur ; et l'object le plus odieux qu' eût toute la Grece, eteient les Barbares. *Boſſuet Diſcours ſur l' Hiſtoire Univerſale*, part 3. §. 5.

On a fort admiré et fait valoir cette promte obéiſſance d'Agéſilas ; et ce n'eſt point ſans raiſon.——— Il montre bien la vérité de ce qu'on diſoit, *qu' à Sparte c'etoient les loix qui commandoient aux hommes, et non les hommes aux loix.* Rollin Hiſtoire ancienne, *lib. 9. ch.* 3. §. 5.

La raiſon de cette conſtance et de cette ſtabilité des Lacedemoniens dans leur governement et dans leur conduite, c'eſt qu' à Sparte c'etoit les loix qui dominoient abſolument, et qui y avoient une authorité ſouveraine ; au lieu que la plupart des autres villes Grecques, livrées aux caprices des particuliers, au pouvoir deſpotique, à une domination arbitraire et ſans régles, apreuvoient la vérité de ce que dit Platon, *qu'une ville eſt malheureuſe ou ce ſont les magiſtrats qui commandent aux loix, et non les loix aux magiſtrats.* Ib. l. 10. c. 1. §. 1.

libel firſt given, and ten free days at leaſt to anſwer it, nay, ſecurity againſt any cenſure, without committing a crime that had been declared cenſurable by the word of God, or ſome act or univerſal cuſtom of this church agreeable thereto. All theſe we *once had*, and could boaſt of a conſtitution worth the ſupporting. All theſe, you know, we ſtill have in our records, and in printed books. But, pray gentlemen, what do they *now* ſignify? Unleſs it be to let us know what our anceſtors enjoyed, and what they intended for us? Would to God that the notoriety of the facts had not led me further than the charge I began with! I charged you only with *endeavouring* to bring about this alteration, and the preſbytery of *Dumfermline* at this moment affords a flagrant evidence that *it is actually accompliſhed*, and is at preſent a ſtanding monument of triumph over our once boaſted conſtitution, and an ignominious inſult over our expired laws and liberties.

This alteration you have brought about, and continue to maintain, both by your doctrine and by your practice. By your doctrine, in the following inſtances: In the firſt place, by claiming the ſole legiſlative power to the general aſſembly, which our conſtitution has entruſted with the majority of preſbyteries. I muſt here indeed except the author of the *Juſt View*, &c. who muſt be allowed to be the moſt moderate writer on that ſide of the queſtion. But as he was owned in the appendix to the former conference to be the firſt, ſo I am very ſorry to find that he is the laſt writer of his ſide that has yielded either the right of private judgment to individuals, or a ſhare in the legiſlative power to preſbyteries. The author of the *Letters on Obedience* is ſo far from concealing this pretenſion, that he argues from the *legiſlative* power's being in the aſſembly, againſt truſting them with an *executive* power. And to this purpoſe he quotes the following paſſage from the *Spirit of Laws*. "When the legiſlative and executive powers "are united in the ſame perſon, or the ſame body of magiſtracy, "there can be then no liberty; becauſe apprehenſions may ariſe, "leſt the ſame monarch, or ſenate, ſhould enact tyrannical laws "to execute them in a tyrannical manner." This ſentiment of *B. Monteſquieu* is a ſtrong argument on our ſide of the queſtion, being written in the true ſpirit of our conſtitution. And therefore, as the aſſembly undoubtedly *has* the ſupreme *executive* power, it was not, while we *had* a conſtitution, intruſted with the *legiſlative*. As the *Britiſh* houſe of peers being the ſupreme judicial tribunal, where all appeals are finally decided, cannot make a ſingle law by themſelves alone. But this gentleman takes it for granted, that the aſſembly has the *legiſlative* power and from thence argues, that they ought not to be truſted with the *execu-*

tive. By the by, what is it that he means by the executive power? The ſame thing, do you think, that his favourite author does? Nothing is farther from his thoughts. *B. Monteſquieu* is ſpeaking of the executive power of a *monarch*, or *ſenate*, giving ſentence in the deciſion of cauſes that may come before them in a judicial way, not of *lictors* or *beadles*, of *meſſengers* or *executioners*. He ſpeaks of executing *laws*, not of executing *ſentences*. But the executive power which the letter-writer thinks of importance to deny the aſſembly, is only the under office of putting their own ſentences in execution. I join with him indeed, in wiſhing that they would be more ſparing in the exerciſe of this power. But the power itſelf is eſſential to, and inſeparable from their office, tho' he may be the firſt perhaps that ever complemented it with the title of *The executive power of government*. As for the true executive power, *i. e.* a judicative deciſion of cauſes, (which the author of the *Juſt View*, &c. gives a very *juſt* account of in theſe words: *Their executive powers relate to their* DECISIONS *in all private cauſes*), he is ſo far from really intending to deprive the aſſembly of *it*, that as he has raiſed their power of putting ſentences in execution, to the *executive power of government*; ſo he raiſes their judicative into a legiſlative power, and gives every deciſion of theirs in their executive capacity, the whole force of a law to all the members of the ſociety, as well as the litigants in the cauſe. Thus he thinks it is to the purpoſe of his argument, and tends to prove that preſbyteries are bound to execute whatever ſettlements are decided by the aſſembly, in their judicative capacity, if he can ſhow, that the church has a power of *making laws, or rules, or regulations*. And thus the diſſenters from the commiſſion in *March* 1752. argue againſt the preſbytery of *Dunfermline* for refuſing to execute a ſentence of aſſembly in their judicative capacity, as if it were a *regulation eſtabliſhed by thoſe whom the ſociety has thought fit to entruſt with the legiſlative power*. And again, *No ſooner*, ſay they, *is that regulation enacted*. And again, *If he refuſes to obey its laws*. This, gentlemen, you know, is the ſtrain of their argument in the *firſt reaſon*. And I believe you will not pretend that they had any *other laws* in their view but the very judicial deciſions themſelves. For it is a notour fact, that the preſbytery of *Dunfermline* were ſo far from refuſing to obey the ſtanding conſtitutional laws of the ſociety, that they pled their regard for, and obligation to obey *ſuch* laws, as the reaſon of their refuſing to execute a ſentence in contradiction to them; which was highly reſented as an inſolent diſputing of a legiſlative power and force in every deciſion of an aſſembly.

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In the ſecond place, it is contended for, even by the author of the *Juſt View*, &c. himſelf, that the aſſembly is *unlimited in her executive power*. If a renunciation of the firſt claim ſhould be extorted from you, this will do the buſineſs quite as well. It will annihilate, or render abſolutely uſeleſs the whole body of our laws at once. If a Popiſh majority in the houſe of peers, tho' they could not make a law to confiſcate one's eſtate for not going to maſs, were yet at liberty to do this in a judicial capacity, and actually did ſo in an uniform ſeries of deciſions, without any reſiſtance from the ſociety, it would ſerve the purpoſe equally well. Tho' the aſſembly cannot make a law for intruding a miniſter contrary to the will of the congregation, or for depoſing a miniſter without a libel ſignifying the law he has tranſgreſſed, if they are, notwithſtanding, at liberty to do ſuch things judicially; if they are not limited in their executive capacity by any laws we have upon theſe ſubjects, it is obvious, gentlemen, that this comes preciſely to the very ſame thing at laſt, and we may ſend all our laws to the tobacco ſhops.

I ſhall not detain you upon your other doctrines all tending to the ſame purpoſe; ſuch as, the power of explaining laws which you attribute to the aſſembly in ſo unlimited an extent, as if they had a power to explain black to be white, to explain an exciſe officer to be the pariſh, or perhaps four or five, where there are above a thouſand examinable perſons, to be the congregation; ſuch as, the obligation which you contend all preſbyteries are under to an implicite and unlimited obedience to whatever the aſſembly ſhall be pleaſed to enjoin, without allowing them, (who have at leaſt a *nominal* ſhare in the legiſlative power) ſo much as to examine into, or judge of the contrariety thereof to our ſtanding laws, let it ſtare them ever ſo directly in the face. All theſe pretenſions, gentlemen, I could eaſily ſhow you, (if you were not ſo much diſpoſed by this time to excuſe me), do effectually overthrow that important part of our conſtitution, which has hitherto been conſidered as the barrier of our liberties, and do as effectually complement the aſſembly with the whole legiſlative power, and more ſo, than if it were ever ſo formally and conſtitutionally veſted in them.

I ſhall only obſerve that in the caſe of ſo univerſal, and ſo loud a complaint as there now is, of the illegality of the preſent meaſures, and when there happens to be a real difference of opinion concerning the ſenſe of our laws between the few who have the adminiſtration in their hands, and the bulk of the Chriſtian ſociety in *Scotland*, the ſpirit of our conſtitution points out plainly an anſwer to that queſtion which is the perpetual reply to all objections,

jections, *viz.* Who is to be judge? The conſtitutional method of deciding ſuch a difference, when it unhappily riſes, is to tranſmit an overture upon the ſubject, that the ſenſe of the legiſlature may be known from themſelves. If you have really in your hearts that regard for the conſtitution that is ſo often in your mouths, what hinders you to put an end to the complaints which, you know, many late deciſions have occaſioned, in a way that you have ſo eaſy acceſs to, and that is ſo agreeable to our conſtitution? I do not ſay that every difference about the ſenſe of our laws ſhould be decided in this way. But for a certain junto to go on in a continued courſe of deciſions that are apparently contrary to the letter of our laws, againſt the repeated complaints of by far the greateſt part of the ſociety, who find their moſt valuable ſpiritual concerns thereby deeply affected, and without pretending to be at any pains in reconciling ſuch deciſions with the letter of the laws, to tell us only that they are the judges of their meaning, when they have it in their power to conſult their conſtituents, I ſhall only ſay that, if this be not graſping at arbitrary power, and laughing at that conſtitution which they pretend a regard for, it looks, at leaſt, extremely like it.

If ever you who are now in the meridian of your power, ſhould condeſcend ſo far as to conſult your conſtituents about the ſenſe of our laws, what would you think of an overture conceived in the following terms, which I cannot help thinking would honeſtly ſtate the caſe as it is?

"Whereas a great many people within the bounds of this church "appear ſtill to retain ſome degree of concern about their ſpiri- "tual edification, and the ſucceſs of goſpel ordinances, and have "diſcovered no ſmall uneaſineſs upon the intruſion of a miniſter "among them of whom they had no good opinion, and who "did not ſeem to have any great ſolicitude about their eternal "intereſts: and whereas the experience of our neighbour church "of *England* abundantly demonſtrates that the wreathing the "yoke of patronage about our neck, to a certain degree, will ut- "terly extinguiſh all ſort of anxiety about the matter, the pro- "faneſt and moſt ignorant drunkard, or the idleſt and moſt ſloth- "ful non-reſident being no more objected to in that well conſti- "tuted church, than the moſt pious and diligent paſtor among "them: and whereas the parliament 1712 moſt unhappily ne- "glected the ſanction of depoſition, in the caſe of a miniſter's "ſcrupling to ordain one whom the pariſh had an invincible aver- "ſion to: while, at the ſame time, the whole ſeries of our church "laws from the *Books of Diſcipline* down to 1736, ſeems to pro- "hibite the intruſion of any miniſter contrary to the will of the

"con-

"congregation, and our *Form of Proceſs* ſeems to forbid the de-
"poſition of a miniſter without the tranſgreſſion of ſome law,
"and a libel; and yet after all, it would evidently be a thou-
"ſand pities, not to attempt the introduction of that profound
"ſtupor about ſuch matters, which is ſo amiable and ſo charm-
"ing in the people of *England*, tho' by the moſt violent and a-
"larming methods: may not the aſſembly therefore be indulged
"a power, upon all proper occaſions, to *explain* one of a hundred,
"or even of two or three hundred, or an exciſe officer, or a
"non-reſiding patron to be the congregation, as alſo to explain
"an obſtinate adherence to the letter of theſe laws to be a breach
"of ſome law, and a ſummar depoſition to include all the for-
"mality of a libel, and time ſufficient to make defences?"

PH. I can certify you, Sir, that if ever an overture be tranſ-
mited upon that ſubject, as I believe it never will, you are none
of the perſons that will be conſulted about a draught of it. But
after all, *Theodulus*, granting that we were for taking from preſ-
byteries, in the quieteſt and leaſt ſhocking manner, their ſhare of
the legiſlative power, which we find to be inconveniently lodged,
Pray what harm could the ſociety ſuſtain thereby? Have not
preſbyteries ſtill the power of electing the members of aſſembly?
As long as this is preſerved to them inviolate, I cannot conceive,
for my part, what reaſon they have to complain.

TH. Sir, It may be of the utmoſt importance to preſerve the
ſhare that preſbyteries have in the legiſlative power likewiſe.
For, not to inſiſt now upon a notour fact that ſtares us in the
face through the whole hiſtory of the church, namely, that the
more communication that church judicatures have had with, and
the more they have been influenced by courts, and great men
in the world, ſo much the more hazard has the ſpiritual intereſt
of Chriſt's kingdom commonly run, in their hands; without in-
ſiſting upon this, and the actual over-turning of our conſtitution
in the beginning of the laſt century, for want of this very regu-
lation, before it was enacted, I ſhall only obſerve that, notwith-
ſtanding all the intereſt that preſbyteries have in electing mem-
bers of aſſembly, it really is not in their power to prevent that
court being ſo conſtituted, as gives us but too juſt ground for be-
ing alarmed at the deſpotic pretenſions they are now ſetting up,
and eſtabliſhing with ſo high a hand.

It is well known that beſides preſbyteries, not only our uni-
verſities, but all the royal burghs in *Scotland* have a priviledge
of electing elders to be members of aſſembly. And even the el-
ders that are choſen by preſbyteries *cannot* always be ſuch as they
might wiſh them to be. You know very well that, even tho'
there

there may be ſcores of elders within the bounds of a preſbytery, there may for all that, be only one or two, perhaps, to whom their choice is, in effect, confined. As they ſerve *gratis*, it is not every man that is able to bear the charges of a journey to *Edinburgh*, and reſidence there ſome weeks, as well as being ſo long abſent from his own buſineſs. By this means the choice is neceſſarly limited to ſome few lords and gentlemen in high ſtations of life. Many of theſe, by this means, and ſuch too as are of the greateſt note, are conſtant, ſtanding members of aſſembly; while the reverend members, who are, for the moſt part, but young and unexperienced, old men at great diſtances pleading excuſe, muſt needs be ambulatory, going once, perhaps, in three, or four, or five years. Now one that knows any thing about ſuch kind of aſſemblies needs ſcarcely be put in mind what peculiar advantage and influence muſt be thrown into their hands, by this ſingle circumſtance of their being perpetual members of the court, over others that can make their appearance there, only now and then, in a courſe of ſome years, even tho' we ſhould altogether abſtract from the influence that may likewiſe be ſuppoſed to be thrown into the ſcale from their ſuperior rank, and riches, and grandeur, and ſtations in the civil government, and a ſort of dependence that many of the clergy have upon them. I might mention another circumſtance likewiſe, that has helped to change the ballance, *viz.* that whereas, till of late years, there was never wanting in the church of *Scotland* ſome clergymen of ſuch eminent characters, and of ſuch univerſal influence, that as they never failed to be members of the ſupreme court, ſo their practice in buſineſs, and the great regard that was paid to them, gave them more weight in the aſſembly than any of the elders could pretend to in eccleſiaſtical affairs. If this advantage is not only loſt on the one hand, but likewiſe gained on the other, it muſt needs throw a conſiderable weight into their ſcale. Yet after all theſe advantages, it muſt ſtill be owned that they are but of *an inferior office in the church*. But if to the ſupreme executive power, which the aſſembly is allowed to have, they ſhould likewiſe be ſuffered to ſtretch out a long arm, and uſurp the whole of the legiſlative power too, or to ſet up, quietly, pretenſions that are equivalent to it; this would really turn our conſtitution into a government of elders over miniſters, or of preſbyters over biſhops, which, to any that are converſant in the primitive eccleſiaſtic hiſtory eſpecially, will, I believe, appear to be a ſingularity at leaſt, not eaſy to be paralleled in the Chriſtian church.

PH. I ſhall not refuſe, Sir, that there may be ſome ground for the obſervations you have made. Give me leave, however,

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at the ſame time, to put you in mind, that the authority of the aſſembly is the authority of the *court*, and not of theſe, or thoſe *officers* of whom it may be compoſed. Beſides, I believe you will find, when any thing comes to a vote, that the number of miniſters rather exceeds that of elders. You complain indeed, not ſo much of their numbers, as of their lately acquired weight and influence. But pray, dear Sir, whatever office may be held in the church, by thoſe who propoſe a meaſure, or by whoſe influence chiefly it is carried, where is the importance of this circumſtance? Provided they be men ſufficiently qualified for the purpoſe. If the elders who have moſt to ſay in the aſſembly were not men of knowledge and capacity, they would not have that influence you complain of. And many of them, by their practice in buſineſs, and their acquaintance with the judicial forms of procedure in other courts, ſeem to be peculiarly fitted for giving that aſſiſtance to the church which they are like to get ſo little thanks for, I think, from ſome of you at leaſt.

Th. No man, Sir, can be more diſpoſed than I am to be grateful to ſuch of them as beſtow their time and pains in promoting the ſpiritual intereſt of Chriſt's kingdom, and the benefit and edification of precious ſouls. But indeed I muſt be forgiven, if I have no gratitude to ſpare for ſuch of them as ſeem only to contend about the diſpoſal of the temporal benefices, which were provided with no other view but for the promoting of theſe more valuable and important concerns; who, in their public actings, are ſo far from pretending to proſecute the valuable ends I have mentioned, that they apply their whole weight for promoting meaſures that do obviouſly prove, and have, in fact and experience, proven ſenſibly hurtful, and ruinous to them, and that to a degree which, it is ſtrange, if any man who has ſuch things at heart be capable of overlooking; who, if other members in a ſpiritual court, erected for theſe very purpoſes, be but hinting at the ends which we ought never to loſs ſight of, will, 'tis ſaid, cauſe him to be ſtopt, as not ſpeaking to the point.

If the meaſures that are chiefly proſecuted by theſe gentlemen did not appear to me, to be directed ſo awry, if I may ſo ſay, from the main end *we* ought always to have in view, I ſhould be extremely indifferent, for my part, whether they came from miniſters or elders. But yet I muſt be allowed to ſay, that it can ſcarcely fail to be attended with inconveniencies, when the main direction of any buſineſs falls into the hands of thoſe who are not, as the *French* ſay, *Gens de métier*. 'Tis certain, that a ſailor is a fitter hand to conduct a ſhip than a land man. A ſmith, or a wright, would in all probability make better work in iron

iron, or timber, then a ſtronger or even a ſhrewder man who was bred to a quite different buſineſs. Now the gentlemen we are ſpeaking of, qualified as they are, in many reſpects, no doubt, beyond what moſt of us can pretend to, are nevertheleſs, men whoſe education, whoſe thoughts, and practice in buſineſs ly quite out of the road of eccleſiaſtical affairs, and are, in ſo great a meaſure, ſtrangers to the proper buſineſs of a church court, that, however uſeful it may be to have the benefit of their aſſiſtance upon many occaſions, yet for them to take the *direction* of our own buſineſs out of our hands, and make us only the *executioners* of their decrees, muſt certainly have ſometimes but an aukward appearance.

PH. I thought, *Theodulus*, you was allowing them, but a little ago, greater practice, even in aſſembly buſineſs, than moſt of your ſelves. And really as the chief buſineſs of the aſſemblies is to decide in appeals about ſettlements, I cannot ſee what ſhould hinder them to be as fit, if not properer judges in ſuch matters, which very often depend upon points of law, than the oldeſt and graveſt miniſter in *Scotland*.

TH. Indeed, Sir, you are in the right, if theſe matters were only to be viewed in the light, which I ſuppoſe you at this time, and the lawyers do generally conſider them, *i. e.* as being meerly judgments concerning the diſpoſal of ſo much temporality. 'Tis no wonder that we miſtake one anothers meaning, while our ideas are ſo habitually different. For when I think of the deciſions in the very cauſes you have mentioned, I cannot help conſidering them as affecting the intereſt of religion, the edification or deſtruction of immortal ſouls; on the one hand, tending to ſcatter a Chriſtian congregation, to drive them from the ordinary means of their ſalvation, or to raiſe ſuch prejudices in them as will hinder their profiting thereby, and ſo promoting ignorance, careleſſneſs, and provoking paſſions and practices oppoſite to true Chriſtianity; on the other hand, tending to promote peace and unity, delight in, and edification by the ordinances which Chriſt hath inſtituted for the moſt ſalutary and important purpoſes. Theſe are views and ideas, which if they are far from the minds of any members of aſſembly, this is the very objection I have againſt their being properly qualified for influencing the deciſion of ſuch cauſes, in a church court, where theſe are the views they ought chiefly to fall under. And I make no queſtion but if many of the ſame gentlemen, who ſeem to make no account of ſuch conſequences in the general aſſembly, had but gone thro' the education neceſſary for a clergyman, had been limited to *their* ſtudies, and accuſtomed to *their* buſineſs in

their

their pariſhes, in preſbyteries, *&c.* it would have been impoſſible for them to keep theſe ſort of views at ſuch a diſtance from their ſight. In this reſpect there is a very great difference between our modern elders, and the ancient preſbyters; which would have made it of leſs hurtful conſequence in the primitive times, if the preſbyters had got the leading and ſupreme direction of eccleſiaſtic government. As the church then had funds for maintaining all who ſerved about the altar, even the inferior officers were entirely appropriated to the ſervices of religion: whereas now, thro' the neceſſity of the times, and the poverty of our finances, we are obliged to communicate a ſhare in the government of the church to many who are deeply involved in ſecular affairs, and cannot ſo readily enter into views that are of a ſpiritual and religious nature. And if they ſhould ſeize upon both the executive and legiſlative power of our government, their meaſures cannot but ſavour of their education and manner of life.

Their practice in the buſineſs of civil courts might be of no ſmall uſe and advantage to us, if they could ſatisfy themſelves with giving us their advice on ſuch points, where there was no interference with any more important purpoſe. But as things now ſtand, I'm perſuaded, that this very circumſtance, together with the ſuperior rank of theſe gentlemen in life, have had two effects which are every day growing more and more ſenſible. The firſt is, that the ſpiritual government of Chriſt's church, as a religious ſociety, is like to be converted into ſomething merely ſecular, deciſions being influenced by temporal conſiderations, and the laws, or the pretended laws of men, attracting more regard than the undeniable laws of Chriſt himſelf. The other is, a ſcrewing up authority to a higher pitch, and inſiſting with unuſual *hauteur* upon a punctual compliance with arbitrary commands. Formerly when things appeared in different lights, and we happened to have a ſcruple about executing orders, our brethren who had then the chief direction, would have condeſcended to argue the matter, and appointed a committee to deal with a ſcrupulous conſcience. If they could not bring us over to their opinion, they exerciſed a Chriſtian forbearance; nay, they went ſo far as to enact, in *The Form of Proceſs*, that this ſhould be the conſtant future method of managing, in differences of opinion about ſmaller matters. But now, when we have lords and great men iſſuing their orders, OBEY, is the word. No condeſcenſion, even to argue the matter with us. No forbearance in the moſt acknowledged uneſſential and diſputable point. If we will not comply even over the belly, not only of our conſcie s,

but of all our own laws, with whatever they enjoin, the proceſs is very ſhort: we muſt pack up our baggage, and be gone. This we have gained, by exchanging our brethren for more *high and mighty* maſters.

But after all, *Philarchus*, ſhall I own to you, that I have not yet mentioned the objection that weighs moſt of all with me, againſt truſting the whole power of our government, legiſlative as well as executive, in the hands of *a judicature*, (as 'tis expreſſed in the *Letters on Obedience*) *ſo conſtitute as our general aſſemblies are, and muſt be?* 'Tis a tender point, and requires greater delicacy in the hand that touches it, than I am maſter of. Nor can it at all be expected that thoſe who are deepeſt concerned in the objection can ever be made ſenſible of the weight of it. For my part I own, I am almoſt equally ſtraitened, how to ſuppreſs it, or how to diſburden myſelf of it. But may not one venture to acknowledge, after ſuch good authority, that there are ſeveral infallible oracles in the holy ſcripture *, which induce me to be ſomewhat apprehenſive, that the moſt ſerious concern for the true intereſts of religion is not to be met with oft in high life? And that the government of Chriſt's church would be lodged in ſafer hands, if preſbyteries did retain their ſhare of the legiſlative power, than if it were entirely given up to thoſe who have got the direction of our aſſemblies? I am far from boaſting, Sir, of the purity of our own order, (I ſhould be among the laſt men that do it) or even of the elders of which our preſbyteries are generally compoſed. God knows my apprehenſions, how unſafe the concerns of his church can be lodged *any where* among us. But yet I cannot help being of opinion that, when an inundation of profanity and irreligion is ſo like to break in upon us, the ſafeſt retreat for things of value to be preſerved, is directly contrary to that which an inundation of water would require. In the one caſe, the higheſt grounds are the places where we would be moſt ſecure. In the other, *they* are moſt immediately and unavoidably expoſed to danger.

I can uſe ſo much the more freedom upon this ſubject with you, *Philarchus*, that, as you had the advantage of a religious as well as a liberal education, (a bleſſing which you'll own, I believe, is rarer now than in the days of our fathers) I have the happineſs to be ſpeaking to one who pays more regard to religion than what is common in your rank of life. Suffer me therefore, Sir, to

* Deut. viii. 12, 13, 14. Job xxi. 13, 14, 15. Prov. xxx. 8, 9. Mat. xiii. 22. Mat. xix. 22, 23, 24. Luke viii. 14. Luke xii. 19. Luke xvi. 19. -----Luke xviii. 23. 1 Cor. i. 26. 1 Tim. vi. 9. James ii. 5, 6, 7. James v 1---5. &c.

to obſerve, that there are ſome periods more favourable than others to the profeſſion as well as the life of religion, in the upper, as well as lower ranks of life. Of theſe the church of *Scotland* has ſeen ſeveral: Such as that about the Reformation, about 1638, and after the late Revolution; at all which times God had been *trying us as ſilver is tried*, and had juſt brought us out of the furnace of perſecution. In theſe periods, we were in no ſtrait to find men of the higheſt ſtations, to whoſe care the moſt ſpiritual and important concerns of the church and religion might be truſted. But as we have now enjoyed the longeſt interval of reſt from ſuch purifying dipenſations of providence, 'tis little wonder, if the effects of it are growing viſible in the corruption of manners which ſeems to be increaſing apace. Two things we cannot help obſerving, that have undergone a very ſenſible alteration in my time, *viz.* the extraordinary decreaſe of the number of chaplains, and the empty ſeats of great men in our churches. May I not appeal to your ſelf, *Philarchus*, whether you do not find ſome difficulty, from the neceſſary communication you have with perſons of your own rank, to get as much of an external regard to the ordinances of religion preſerved, as the very decency of any ſort of profeſſion thereof requires? And yet I never heard the leaſt degree of either ſuperſtition or hypocriſy laid to your charge. Are you not often in hazard of being carried down with the current, even while the ſenſe of your own mind riſes againſt the courſe, as well as the violence of the ſtream? And is it poſſible, Sir, that all the gentlemen who are in the ſame eccleſiaſtic office with you, can have eſcaped ſo univerſal an infection? There are two things that give me a violent ſuſpicion of the contrary. The firſt is, That keenneſs to ſuppreſs any enquiry after evidence, in the atteſtations that muſt accompany their commiſſions to be members of aſſembly, for which I need only refer you to the pamphlet called, *The General Aſſembly vindicated*. The other is, the little concern ſhewn by many of them for the edification of the people, and the ſucceſs of the goſpel, in the meaſures abetted by them at aſſemblies or commiſſions, chiefly in the ſettlement of our vacancies.

Now pray gentlemen, let me aſk you both: If, in the rapid progreſs that irreligion is making amongſt us, the direction of our aſſemblies ſhould get into the hands of thoſe who are tainted with it to any conſiderable degree, who have no real or hearty concern for the true intereſt of Chriſtianity, or perhaps preſerve any meaſures even of external decorum with regard to the ordinances thereof; ſo far from being troubled with any ſollicitude about

about the ſucceſs of them; what other pretenſions, think you, would they ſet up, but thoſe which you are now ſupporting? Men of this character, if they were limited by the ſtanding conſtituions of this church, would often find themſelves extremely hampered in their proceedings, by acts that were made while the influence laſted of thoſe who had ſome profeſſion of religion. How convenient a doctrine then would it be for them, in ſuch a caſe, to maintain, that they were not limited by any laws; that they were unlimited in their executive capacity; that they had a power of explaining laws how they pleaſed; that whatever was the nature of their deciſions, preſbyteries were bound to give an implicite obedience to them; and that the conformity of all their characters to the conditions required by the ſtanding acts ought to be atteſted without heſitation, and without any enquiry into the truth of the facts? What a prodigious advantage would the eſtabliſhment of ſuch doctrines put in their hands? And what a loſs would religion ſuſtain, by ſuffering them to paſs current? And yet I dare ſay you muſt own, that the ſuppoſition is far from being, either impoſſible, or what we are altogether beyond the hazard of.

I have been obliged, *Philarchus*, to exerciſe your patience, in explaining what harm the ſociety might ſuſtain, by depriving preſbyteries of, or rendring uſeleſs and inſignificant, that ſhare in the legiſlative power of our church government, which was found upon experience very uſeful and neceſſary to be veſted in them, in order to ſatisfy the doubt you ſeemed to have upon this ſubject. But after all, I muſt be allowed to obſerve, that my preſent argument does not depend upon it. The fact certainly is, that this is our conſtitution, and has been above a hundred years; let it be right or wrong. I think it, indeed, a good one. And therefore, I plead that the alteration is for the worſe. But even you, who differ from me, muſt needs own, that as this undoubtedly is our conſtitution, they who will not ſubmit to, or acquieſce in it, but propagate doctrines inconſiſtent with it, are deſtroying our conſtitution, ſuch as it is, which is the thing that I undertook to prove.

It is not only by your *doctrine* that our conſtitution is undermined; but by ſubſtantial *facts* by which you have actually deſtroyed it. This is what I ſhould now endeavour to make you ſenſible of. But as I am conſcious that I have encroached too far upon your time as well as my own, who have ſtaid longer than I intended, I cannot now enter upon this branch of the argument. However, if you be diſpoſed to liſten to our complaints, I can furniſh you with ſufficient proofs of this, in a paper

per which I have a copy of, and which I recommend to your perusal. It was intended by way of remonstrance to the general assembly from an inferior judicature, the materials of which were concerted and approven by several ministers. But as it was impossible to reduce them within the bounds that were thought proper for that purpose, such use of it has been laid aside. If any of you think it worth the while to bestow a reading upon it, a copy of it shall be at your service when you please.

An. I shall be glad to see it, Sir, with your first convenience, and shall communicate it to *Philarchus*.

Th. And now, gentlemen, to conclude this long conference, will you just permit me to observe, before we separate, how far this whole argument from our *constitution*, as well as the other from the *nature of ecclesiastic government*, recoils, with all its weight, upon those who have so egregiously misapplied them? Indeed, there had not been the least colour for accusing us of *hurting the constitution*, if it had not arisen either from a very *artful misapplication*, or a very *simple misunderstanding* of words, (I really do not know which), and slipping a sense upon them, very different from the common one. The words I mean are such as these, *Laws, rules, regulations enacted by the majority of the society, or by such as are entrusted with the legislative power*. What man, not heated with this contest, would not understand, by such words or phrases, the publick, standing acts of the church, passed in a legislative capacity, according to the forms established in the society, *i. e.* with the consent of the majority of presbyteries to any thing that was new, and regularly published in our printed collections? Is this however the sense of these words in the writings of our opponents? Are these the laws, (I do not say, that we plead exemption from, but) that we are so much as *accused* of disobeying? On the contrary, is not our firm adherence to these laws the very thing that is attempted to be subdued by the terrors of the world? And are these words, *laws, regulations*, &c. ever to be taken in any other sense, when we are accused of disobedience to them, but for particular decisions of private causes in a judicative capacity, however contrary to our standing laws? But surely, if we would not be guilty of a most important perversion of words, *a law*, or *a regulation enacted by the legislature*, and *a judicial sentence of an executive power*, are very different things: or else, we have no constitution, or none that's worth the supporting.

That our accusers, who have raised the cry about our constitution being in danger, are themselves the very persons who are destroying it, for this we appeal to their own account of it.

They

They allow, that, by our conſtitution, the aſſembly cannot enact a ſingle law, without the conſent of the majority of preſbyteries; and ſo is not veſted with the legiſlative power of the ſociety. And yet, in direct contradiction to this, they have ſet up a claim of the aſſembly's being *unlimited* in their executive capacity. In conſequence of this claim, they inſiſt upon an implicite obedience from preſbyteries to all their orders, without the exerciſe of a judgment of diſcretion, whether they be contrary to the ſtanding laws or not. And have actually cenſured, ſuſpended, and even depoſed ſuch as refuſe to execute their illegal deciſions, or to admit this boundleſs claim, in expreſs contradiction to ſeveral important regulations, conſtitutionally enacted in *The Form of Proceſs*. In a word, they have ſet up the *executive* in oppoſition to the *legiſlative* power. They talk much indeed of *laws, and rules, or regulations;* but the thing they mean, is nothing but the judicial deciſions of an executive judicature, while our ſtanding laws are contemned. And thus they not only *alter*, but utterly *deſtroy* our conſtitution, and from a *free and legal*, reduce us to an *arbitrary and deſpotic* form of government.

If this, gentlemen, be a true ſtate of the difference between us; (and true it muſt be, or elſe you muſt abandon all the arguments that have hitherto been uſed on your ſide of the queſtion, and come directly to what you have ſo ſolicitouſly ſtaved off, a vindication of the particular deciſions complained of, as conformable to the ſtanding laws of Chriſtianity and of this church, without having recourſe to the general pleas you have always choſen to inſiſt on); how juſtly may the arguments, and rhetorick too, of your advocates, be retorted upon themſelves? Take but the word *laws* in its uſual and obvious ſenſe, and then let the diſſenters from the commiſſion in *March* 1752. conſider who are moſt deeply concerned in their own complaint.

"Nothing is more evident, (as it is in the preface), than that "for ſome years paſt the authority, and conſequently the con"ſtitution of this church, has been gradually weakened, by the "repeated wounds it has received from its own members. A"mong whom a ſpirit of diſobedience to its *laws*, (the very "word, I aſſure you, they have had the ſimplicity, ſhall I call "it? to make uſe of), has moſt unaccountably prevailed, and "grows ſtronger and bolder every day."

I would fain know how thoſe who voted, or executed the ſettlement at *Torphichen*, or who voted the ſettlement at *Biggar*, thoſe who depoſed Mr. *Gilleſpie*, and ſuſpended other miniſters contrary to the regulations in *The Form of Proceſs*; thoſe who

will

will not obtemperate the *Act* 14. *Aſſem.* 1736. and the whole ſeries of acts therein mentioned; or thoſe elders who are ſo violently ſuſpected by the author of the *General Aſſembly Vindicated*, as well as by the *Aſſem.* 1744. as refuſing to keep the worſhip of God regularly in their families, or to comply with the other injunctions in *Act* 9. *Aſſem.* 1722, or thoſe miniſters who will not execute the *Act* of that *Aſſem.* 1744. in relation to that matter; I would fain know what reply they can make to the diſſenters *firſt reaſon*? "In conſideration (ſay they) of theſe advantages, "we conſent, that *regulations for public order* ſhall be eſtabliſh-"ed, not by the private fancy of every individual, but by the "judgment of the majority, or of thoſe whom the ſociety has "thought fit to entruſt with the *legiſlative* power. *Their* judg-"ment muſt neceſſarily be abſolute and final; and *their* determi-"nations received as the voice and deciſion of the whole. In "a numerous ſociety, it ſeldom happens, that all the members "think uniformly concerning the wiſdom or expedience of any "*publick regulation*: But no ſooner is that *regulation enacted*, "than private judgment is ſo far ſuperſeded, that *even they who* "*diſapprove it*, are notwithſtanding bound to obey; unleſs in a "caſe of ſuch groſs iniquity, *&c.*——— If he refuſes to obey "its LAWS, he manifeſtly acts both a *diſorderly* and *diſhoneſt* "part. He lays claim to the privileges of the ſociety, whilſt he "contemns its *authority*. They who maintain, that *ſuch diſ-*"*obedience* deſerves no cenſure, maintain, in effect, that there "ought to be no ſuch thing as government and order. They "deny thoſe firſt principles by which men are united in ſocie-"ty, *&c.*"

I have given you their reaſoning at length, in their own preciſe words, becauſe I have ſome ſome ground to hope, that upon a review of it, when thus applied to what are *really* the LAWS of the ſociety, not only you, but eſpecially they who ſigned and approved that paper, will think themſelves bound to oppoſe the ſettlement of *Biggar* upon the preſent footing. For altho' their conſciences would permit them, (as I dare ſay they will not), to ſay, that it is not *ſuch* ſettlements that are prohibited by the *act* 1736. and the other *laws* therein enumerated, yet I am ſure, they *durſt* not ſay a thing that all the world would ſo cry ſhame of, as being no leſs than a defiance of every *legiſlative* power to contrive any words which they ſhall not elude, as rendering all laws inſignificant, and language itſelf quite uſeleſs.

Perhaps they may diſapprove theſe laws in their own private judgment. But they have precluded themſelves from any excuſe of this ſort. "We hold, (ſay they, in Reaſon 2d.) that as e-

"very

" very man has a right to judge for *himſelf* in religious matters, " ſo every church, or ſociety of Chriſtians, has a right to judge " for *itſelf*, what method of external adminiſtration is moſt a- " greeable to the laws of Chriſt, and no man ought to become a " member of that church, who is not reſolved to conform him- " ſelf to its adminiſtration.—— Who ever believes its *laws* to " be in any reſpect iniquous, ſo that in conſcience he cannot " comply with them, ought to beware of involving himſelf in " ſin, by entering into it; or if he hath raſhly joined himſelf, " he is bound, as an honeſt man and a good Chriſtian, to with- " draw, and keep his conſcience pure and undefiled. But on " the other hand, if a *judicatory* which is appointed to be the " guardian and defender of the laws of the ſociety, ſhall break " theſe laws, and by ſuch a deed encourage and invite to future " diſobedience; we conceive it will be found, that they have ex- " ceeded their powers, and betrayed their truſt in the moſt eſ- " ſential point." What ſhall we ſay then of making the open trampling upon theſe laws no leſs than a term of miniſterial communion.

With no leſs juſtice may the reaſoning of the author of the *Letters on Obedience* be retorted upon himſelf. I ſhall only aſſure you, that, in any ſpecimen I ſhall give you, the word *laws* is his own word, and not foiſted in by me inſtead of *deciſions*. All that I demand is, that by *laws* you would underſtand laws, and not deciſions. " To deny (ſays he, p. 6.) the ſervants of Chriſt " the power of making *regulations or laws* for the right execu- " tion of the truſt committed to them, is, in effect, to deny them " the power of executing that truſt; and to obſtruct the execu- " tion of theſe laws, is, in effect, to obſtruct the progreſs of " Chriſt's kingdom, and to reſiſt the Head of the church." Again, p. 7. " Would theſe ſervants [of a nobleman gone to a " far country] be confined to theſe [his own] injunctions; or " would they not be obliged, as well as impowered, to make " ſuch farther *concerts and regulations*, [are not theſe our ſtand- " ing acts?] as, in the courſe of buſineſs, might be found ne- " ceſſary for their maſter's intereſt? No doubt, they ought to " keep ſtrictly to the injunctions given them, and to be cauti- " ous of multiplying unneceſſary *laws*. But ſtill they would be " obliged to make and execute ſuch as were neceſſary: And if " any one or more of the ſervants refuſed obedience to theſe " *laws*, they would be accountable to their lord upon his return."

I ſhall only give you one example more of the miſtaken pains this gentleman has been at, to ſupport the legiſlative power of the church, and to prove the regard which is due to our ſtanding acts,

acts, thereby confuting the very measures he undertook to defend, and so have done. It is from p. 21, and 22. "As it is "impossible for the individuals of society always to agree in such "measures as are necessary for the welfare of the whole, they "must of necessity convey a power, either to the majority of the "constituent members, or to persons approven of by the society, [these, you know, in our society, are two assemblies at "least in their legislative capacity with the consent of the majority of presbyteries [to appoint such measures, as are, in their "best judgment, for the publick weal, and bind themselves to a "strict conformity with these measures; [can words describe the "legislative power, if these do not?] and this original settlement "is so fundamental and so essential to the being of society, that "if the individuals of any society should, at any time, annul it, "the society is dissolved.------ If they appoint measures which are "not manifestly wrong, but appear in one light to some, and in "another light to other subjects, and in their own best judgment "appear to be right measures, they are in the exercise of that "very power which was conveyed; and all the subjects are strictly bound, by the original settlement and fundamental law of "the society, to conform to these measures: and if one or more "subjects shall pretend to have reserved to themselves a right of "following the direction of their own judgment," [in the settlement of vacancies, for example, contrary to the whole series of our laws, as in the *Act* 36. in the censuring of ministers contrary to the regulations in *The Form of Process*; in excluding the worship of God from their families, contrary to the *Act* 22.; or in attesting elders without enquiry, contrary to the *Act* 44.] "and on that pretence refuse to comply with these measures, "they have dealt deceitfully, have violated their original engagement, attacked the foundation of the society, and attempted, "as far as in them lay, its dissolution, and thereby forfeit all its "privileges."

If this contempt of our standing laws, on several important subjects, is here censured in terms that are sufficiently severe, or if you should complain that they were rather somewhat extravagant, remember that it is your own friends you have to thank for it, and the stile of your party, when they imagine themselves to be declaiming about certain illegal decisions in a judicative capacity, of private causes, and that of one particular kind.

PH. Perhaps you'll alledge, *Theodulus*, that I am more obliged to the lateness of the night, and your hurry to be gone, than to the goodness of my cause, if I should have recourse to such excuses for not making any reply to what you have said. And therefore I shall only put you in mind to send us a sight of the *Remonstrance*

you have mentioned: and after peruſal of it, I promiſe you that I ſhall beſtow an impartial conſideration upon this whole matter.

TH. Sir, I ſhall remember to ſend you the paper. And now, gentlemen, I muſt bid both of you, *adieu*.

TO THE
VENERABLE ASSEMBLY
OF THE
CHURCH of *SCOTLAND*,

The Humble REMONSTRANCE *of the* —— *of* ——.

THE —— of —— conſidering that, as well by conſtant practice, as by repeated ſtanding laws enacted in the moſt ſolemn and deliberate manner, the church of *Scotland* has, till of late, had her excellent conſtitution and valuable liberties ſecured againſt the arbitrary will of any particular majority, even in the general aſſembly itſelf, as far as regulations, or conſtitutions can be contrived for the preſervation thereof: but that the bare enacting of the wiſeſt regulations, and the mere having of privileges, the moſt favourable to liberty, ſtanding upon record among our public conſtitutions, muſt be abſolutely inſignificant in any government where there is a diſpoſition in the ſupreme executive power to break thro' them; and, at the ſame time, no ſpirit or zeal among ſuch as act in a lower capacity, to ſupport and defend them, or to plead and inſiſt for the obſervation of them. And the —— conſidering farther, that every privilege and liberty enjoyed by ſubjects neceſſarily ſuppoſes, and implies, in the very nature of the thing, a power and right to defend it; and that, in the caſe of any flagrant or dangerous encroachment, affecting the conſtitution in a very ſenſible manner, and an uſurpation, even by otherwiſe rightful ſuperiors, of powers that do not legally belong to them, it is perfectly conſiſtent with, nay, a part of the duty owing to them by inferiors, to defend their own privileges, at leaſt by remonſtrating to the ſuperiors againſt ſuch encroachment, agreeable to the opinion of the beſt writers upon government, particularly of *Grotius*, who ſays: *Si rex partem habeat ſummi imperii, partem alteram populus aut ſenatus, regi in partem non ſuam involanti vis juſta opponi*

opponi poterit, quia eatenus imperium non habet. Cum quiſquis imperii ſummi partem habeat, non poſſit non habere jus eam partem tuendi. Grot. de Jur. Bel. l. 1. c. 4. §. 13. Theſe things being attentively adverted to, the —— judged themſelves not only ſufficiently entitled, but loudly called upon, by the regard they are bound to have for our preſent happy conſtitution, and a reflexion upon the conſequences which a deviation from, or an encroachment upon it may be attended with, and the influence it may have upon practical religion, to lay before the ſupreme judicatory of this church, the following acts and conſtitutions, which contain liberties and privileges ſo valuable to us and our ſucceſſors, that we would be wanting to ourſelves, wanting to the flocks committed to our charge, and wanting to the poſterity of both, if we did not, at the ſame time, watch over, and remonſtrate againſt the important encroachments that have been made upon them. Particularly,

In the firſt place, we muſt obſerve, that this church having felt by woful experience during the former part of the laſt century, that aſſemblies might be got to enact things inconſiſtent with the purity of our reformation, and contrary to the general ſentiments and inclinations of the collective body, did, upon the turn things took to the advantage of religion, by *Act* 13. *Aſſem.* 1639, and again ſince the late happy Revolution, by *Act* 9. *Aſſem.* 1697, as well as by other acts ſince that time, recapitulated and confirmed by *Act* 5. *Aſſem.* 1734, ſet up a barrier againſt the like inconveniencies for the time to come, by communicating the legiſlative power more diffuſively, ſo as that no *innovation* ſhould be made, or any thing *new* enacted as a ſtanding law, without the conſent of the majority of preſbyteries. Yet we are ſorry to ſay, that it cannot be denied or diſſembled that, of late years, frequent attempts have been made by a majority in ſome aſſemblies, to demoliſh this barrier of our liberties, and of the purity of our reformation, by making acts without the general conſent of the church. For example, *Act* 7. *Aſſem.* 1730, and *Act* 8. *Aſſem.* 1732, being made contrary to theſe rules were, for that reaſon, reſcinded by the *Aſſem.* 1734. And likewiſe *Act* 9. *Aſſem.* 1745, which, for that ſame reaſon was reſcinded by the *Aſſem.* 1746. And *Act* 7. *Aſſem.* 1752, which, for the ſame reaſon, was reſcinded by the laſt Aſſembly, eſpecially as being a more direct attack upon our barrier.

But in the ſecond place, a much more grievous ground of complaint is afforded us by a ſhorter and ſurer method that has been fallen upon to render this barrier of our liberties utterly and abſolutely ineffectual, namely, by the aſſemblies ſubſtituting their own arbitrary will in the place of any legiſlative power,

and

and deciding many of the cauſes that come before them in their judicative capacity, contrary to the whole ſeries of our ſtanding laws.

It would be tedious to enumerate the ſeveral repeated acts and conſtitutions of this church from the Reformation down to the year 1736, all ſtanding unrepealed in any conſtitutional way, and the collective body inſiſting for the obſervation of them, whereby it is ordained, that no miniſter ſhall be admitted to his office without "the conſent of the people and church whereto "they ſhall be appointed," as it is expreſſed in the firſt *Book of Diſcipline*, ch. 4. par. 8. "For, (as it is, par. 4.) altogether "this is to be avoided that any man be violently intruded or "thruſt in upon any congregation." And in the ſecond *Book of Diſcipline*, ch. 3. par. 5. "It is to be eſchewed that no per-"ſon be intruded into any offices of the kirk contrair to the "will of the congregation to whom they are appointed." And again, ch. 12. par. 9. "The liberty of the election of perſons "called to the eccleſiaſtical functions, and obſerved without in-"terruption ſo long as the kirk was not corrupted by Antichriſt, "we deſire to be reſtored and retained within this realm, ſo that "none be intruded upon any congregation, either by the prince "or any inferior perſon, without lawful election, and *the aſſent of "the people over whom the perſon is placed*, as the practice of "the apoſtolical and primitive kirk, and good order craves." And in the following paragraph are theſe remarkable words upon the ſame ſubject: "And therefore, whoever will embrace "God's word, and deſire the kingdom of his Son Chriſt Jeſus "to be advanced, they will alſo embrace and receive that policy "and order which the word of God and upright eſtate of his "kirk craves; otherwiſe it is in vain that they have profeſſed "the ſame." Theſe books of diſcipline have been always of ſuch authority in this church, that the *Aſſembly* 1638 found the five articles eſtabliſhed by the aſſembly at *Perth* 1618 to have been illegal, becauſe they were contrary to what was contained in theſe books; *Act, Seſſ.* 17. *Dec.* 10. 1638. And particularly with reſpect to the ſecond *Book of Diſcipline*, the ſame aſſembly ratifies the authority of it, as being "agreed upon in the aſſembly "1578, and inſert in the regiſter 1581, eſtabliſhed by the acts "of aſſemblies, by the *Confeſſion of Faith*, ſworn and ſubſcribed "at the direction of the aſſembly, and by continual practice of "this kirk." *Act, Seſſ.* 16. *Decem.* 8. 1638.

But it was not only at our firſt reformation that this point was ſo ſolemnly eſtabliſhed, and firmly enacted. It has been renewed in all the different periods wherein Preſbyterian government obtained: ſo that there cannot be the leaſt pretence for al-

ledging

ledging that the paſſages at leaſt which we have quoted are grown obſolete. For this we refer to *Act* 14. *Aſſembly* 1736. We have the authority of that aſſembly to ſay, " It is, and has been " ſince the reformation the principle of this church, that no mi- " niſter ſhall be intruded into any pariſh contrary to the will of " the congregation." And agreeable thereto that aſſembly did " therefore ſeriouſly recommend to *all judicatories* of this church " to have a due regard to the ſaid principle in planting vacant " congregations; ——— *ſo as none be intruded into ſuch pariſhes* " *as they regard the glory of God, and edification of the body of* " *Chriſt.*" And as it obviouſly appears from that act itſelf that there is no *innovation* contained therein, it wants nothing that, in our conſtitution, is neceſſary in order to have the force of a ſtanding law. But without inſiſting on the ſingle authority of that aſſembly, it muſt be owned either that they have aſſerted a groſs falſhood, and have been ſuffered to do ſo without contradiction for a courſe of ſeveral years, or the ſame thing ſtands enacted by a conſtant ſeries of ſtanding laws. In confirmation of which, we might appeal, (if there was any doubt about the matter) to the conſtant practice of this church, of appointing a call to be moderated from the vacant pariſh, and to the queſtions appointed to be aſked of every miniſter at his admiſſion, ſuch as: *If he has uſed any undue methods in procuring* THIS CALL? and *If he accepts and cloſes with* THE CALL *to be paſtor of this pariſh?*

We muſt here beg leave to obſerve that the general aſſembly being the ſupreme court of judicature in this church, is, by our conſtitution, and indeed by the conſtitution of every well regulated ſociety that has any legal conſtitution at all, ſo far from being thereby intitled to trample upon our ſtanding laws, that, on the contrary, that very ſuper-eminence of theirs lays them under ſo much the ſtronger obligation to ſet an example to all inferior judicatories of the moſt punctual regard to them. And it is certain that our aſſemblies are, by our conſtitution, *limited*, as in their legiſlative, ſo likewiſe *in their executive capacity*, and that not only by the nature of the thing, (ſeeing laws would ſignifie nothing if the executive power was not limited thereby) but alſo by the expreſs words of the commiſſion by which every member of aſſembly is impowered and authoriſed to act in that capacity, no member of that court being inrolled, if he is not limited by his commiſſion, " to vote and determine in all matters " that come before them agreeable to the conſtitutions of this " church, as he will be anſwerable." According to *Act* 8. *Aſſembly* 1695. and *Act* 7. *Aſſembly* 1725.

Yet 'tis too notorious that all theſe ſolemnly enacted conſtitutions,

tions, both of older and latter date, have been ſo far diſregarded by a prevailing majority in ſeveral aſſemblies and commiſſions of late, that, if we ſhould hold our peace, the fatal effects thereof muſt, and will ſpeak it, even to poſterity, when we are laid in our graves. The lamentable ſchiſm which has been already occaſioned thereby, and which is continually ſtrengthened, and ſupported upon its narrow foundation, by freſh and repeated provocations, without which it might dwindle away; the threatening diviſions and animoſities that are like to ariſe; the diſcontents and murmurings that are ſpreading among our people upon that account; their coldneſs to, and prejudice againſt the ordinances, and many who adminiſter them; their deſertion of them, and little edification by them; theſe are conſequences that are inceſſantly proclaiming the cauſe from whence they proceed. How inſenſibly ſo ever theſe conſequences may be felt by many gentlemen, whoſe meaſures (in the only church judicatory where they uſually vouchſafe their attendance) are the real cauſes that produce ſuch effects; yet we cannot fail to be, by ſuch intereſting conſequences, frequently put in mind of thoſe intruſions contrary to the will of the congregation, which, if they be not in contradiction to our ſtanding rules, muſt flow from the exerciſe of a power which no human judicatory ought, and no honeſt one will claim, *i. e.* a power of interpreting laws contrary to the obvious intention of them, and to the plain and literal meaning of the words. Among too many inſtances of this ſort, we ſhall only mention the recent ones, of *Biggar* which lies yet unexecuted, and *Torphichen* for ſcrupling to execute which the preſbytery of *Linlithgow* was found cenſurable.

And this leads us to a *third* ground of complaint, and another ſtep that has been lately taken to infringe our liberties, and to enthral or debauch our conſciences, namely, the aſſemblies enforcing even an *active* compliance with, and obedience to their *illegal* determinations, in all the miniſters of this church at the rights, by the ſevereſt temporal penalties which they have in their power to inflict, as well as by the ſpiritual cenſures of Chriſt's church, in his name and authority; and thus eſtabiſhing the various deciſions of that annual court in their executive capacity, however inconſiſtent they may be with our ſtanding laws, not only as a final iſſue of any particular difference in diſpute, but impoſing an active approbation thereof as a condition without compliance with which, miniſters are to be ejected out of their freeholds, torn from their affectionate and neceſſitous pariſhes, ſeparated from miniſterial communion with their deareſt brethren, and themſelves and families expoſed to the hazard of ſtarving for want of bread.

If the general aſſembly, having not only the power of deciſion in the laſt reſort, but of execution too, had executed ſuch *illegal* deciſions in the leaſt violent and moſt uſual way, by means of ſuch as thought them conſiſtent with the laws of Chriſtianity and of this church, we had poſſibly ſatisfied ourſelves with groaning in ſecret for the pernicious conſequences which we could not help foreſeeing from a courſe of ſuch meaſures, and would have been willing to regard them in the ſame light with other unavoidable inconveniencies attending the eſſential imperfection of all human governments; ſubmitting to them however, for the ſake of peace, as the final iſſue of ſuch particular cauſes. But the prevailing party in the general aſſemblies (permitted, in all appearance, by the adorable providence of God, on purpoſe to rouſe us out of too deep and inexcuſable a lethargy) not content with getting their own will actually to prevail over a conſtant ſeries of the ſtanding conſtitutions of this church; attempting likewiſe to force an active compliance therewith upon us all, as a term of miniſterial communion, will not ſuffer us any longer to ſit ſtill idle, or meer paſſive ſpectators of the tragedy acting before our eyes. Matters are now come to that paſs, that, in direct contempt of our boaſted barrier, and without ſo much as aſking the conſent of preſbyteries, our ſtanding acts and conſtitutions muſt either be trampled upon, even by ſuch of us as profeſs the greateſt regard for them, or a ſentence of ſummar depoſition will ſoon put an end to our ſtruggles in favour of them.

And therefore we cannot do leſs in defence of our expiring privileges and conſtitution, than at leaſt, to put our ſuperiors in mind, that depoſition, which is the cenſure that we are now by gradual ſteps arrived at, being the very higheſt of thoſe cenſures which, as miniſters, we are capable of having inflicted on us; higher, in all probability than any that would have been propoſed as the ſanction of any law upon this ſubject, had the enacting of any ſuch been attempted agreeable to our conſtitutional forms, there cannot be a *more effectual* uſurpation of the legiſlative power, than the enforcing of a thing ſo contrary to our ſtanding conſtitutions by the actual infliction of this cenſure in a meer executive capacity amounts to; eſpecially when ſuch a degree of inward approbation from individuals is inſiſted on, as is, in our apprehenſion, implied in what is required of us under ſo ſevere a penalty; this being, of all others, the ſureſt and ſtrongeſt way of eſtabliſhing or enacting any thing whatever. And we muſt be forgiven if our attention is ſo much the more attracted towards ſuch uſurpation, by reflecting that the known principles and former deeds of this church being pled by our brethren at the bar of the aſſembly 1752, in juſtification of their conduct,

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were ſo far from being *admitted as a good plea*, that their having recourſe to it was conſidered as an aggravation of their ſuppoſed crime, and he who inſiſted moſt upon it, was ſingled out to be made the greateſt ſacrifice of; as if the moſt heinous crime in the eye of the prevailing majority, and that which was to feel the heavieſt weight of their diſpleaſure was an adhering to our ſtanding laws and conſtitutions, or the aſſerting that we have any ſuch thing as laws, or a conſtitution, other than the arbitrary will of our annual aſſemblies.

By ſuch meaſures for eſtabliſhing the variable and arbitrary pleaſure of our ſupreme executive court, in the place of all conſtitutional acts, it is not only our important *Barrier Laws*, it is not only the whole ſeries of our *principles and laws concerning the planting of vacant churches*, that are thus, by ſo ſhort a proceſs, at once repealed and ſet aſide; but (which furniſhes us with a *fourth* ground of complaint) the moſt important *rules* that have been eſtabliſhed among us, *concerning proſecutions in order to cenſure*, eſpecially in the caſe of miniſters, have, at the ſame time, been utterly neglected, not to ſay expreſly contradicted, as if there had not been any ſuch ſtanding in our records. Theſe are contained in one of the moſt ſolemn, authentic, and authoritative of all our ſtanding laws, viz. *The Form of Proceſs*, which after being regularly tranſmitted to preſbyteries, was, "*nemine contradicente*, ratified and approven, and ordained to be obſerved "and practiſed by the reſpective judicatories of this church, as "fixed binding rules."

Among theſe *binding rules*, it is expreſly ordained, "That no"thing ought to be admitted by ANY church judicatory as the "ground of a proceſs for cenſure, but what hath been declared "cenſurable by the word of God, or ſome act or univerſal cuſtom "of this national church agreeable thereto," *ch.* 1. *par.* 4. And more particularly in the caſe of miniſters, with reſpect to ſuch things as there may be different ſentiments about among true Chriſtians, and uſeful miniſters of the goſpel, even "if the mat"ter laid to the miniſters charge, be ſuch practices, as, in their "own nature, manifeſtly ſubvert that order, unity, and peace "which Chriſt hath eſtabliſhed in his church,—— lenitives, ad"monitions, inſtructions, and *frequent conferences* are to be "tried, to reclaim, *without cutting off*," ch. 7. par. 8. And in that ſame chapter, *par.* 5. it is enacted, that before a miniſter be depoſed, "a competent time be allowed to give in anſwers to the "libel, at leaſt ten free days before the day of compearance."

And now, may we not have leave to aſk, how theſe *binding rules and directions* have been obſerved of late, where an example might have been expected of regard to them for the imitation of in-

inferior judicatures? As to the firſt of them, we ſhall not inſiſt upon the thanks which we, and many others in this church, think due to our brethren who were cenſured by the aſſembly 1752. for the ſteddineſs wherewith, according to their ordination engagements, they adhered to the laws and conſtitution of this church in the face of danger. But will any one pretend to ſay, that a modeſt and conſcientious ſcruple to have an active hand in any thing that may be decided by the majority of an aſſembly, *is declared cenſurable by the word of God?* Has it been *declared cenſurable by any act of this national church, agreeable,* or even diſagreeable *thereto?* eſpecially by ſo ſevere a cenſure as that of a ſummar depoſition? and that when the deciſion was not only without the authority of, but in ſo apparent a contradiction to our ſtanding laws? And as for any *univerſal cuſtom of this national church,* is not the conſtant practice ſo far directly contrary, that this very ſcruple has many a time been excuſed even by them who did not approve of it? Was it ever found ſo much as cenſurable till 1751? and then only by ſcrimp majority, and the vote followed by a diſſent? Was it ever cenſured with *depoſition* before the very inſtance we are now complaining of? And indeed, how can the declaring or finding it cenſurable, (eſpecially when the queſtion is not about a quiet and peaceable ſubmiſſion to a deciſion, as the final iſſue of any particular affair in debate, but only about one's own action, of which every individual muſt give an account to God) how can it be reconciled with what this church obliges us all to ſign before we can exerciſe any office in it? particularly with Confeſſion of Faith. *ch.* 20. §. 2. and *ch.* 31. §. 4.

Again, tho' we are far from thinking that *the matter laid to the charge* of our brethren who were ſo ſeverely cenſured, was *ſuch practices, as, in their own nature, manifeſtly ſubvert that order, unity, and peace which Chriſt hath eſtabliſhed in his church:* yet was it not in this very light, and under this preciſe view that it was conſidered by the depoſers? But where were the *lenitives* ſo expreſly preſcribed by the *Form of Proceſs* in ſuch a caſe? Did not a ſufficient number of the preſbytery of *Dumfermline* declare, they had no ſcruple to do what was required, or that their ſcruples were removed? And yet was not an unneceſſary and unprecedented method fallen upon to reſtrain them who had no ſcruple from proceeding, without the active concurrence of ſuch of their brethren as could not do it without offending God, and wounding their own conſciences, as the aſſembly were expreſly told? Was not the attendance of all the miniſters in that preſbytery peremptorily, as well as unuſually, inſiſted on,

that none who had any ſcruples might be ſuffered to eſcape? Inſtead of appointing a committee to deal with the brethren who were ſtraitned, inſtead of *frequent conferences* to remove their ſcruples, and to adminiſter the inſtruction to them which they were thought to ſtand in need of, was not the terrors of this world the inſtrument applied to overcome their ſcruples? and, *Do, or be depoſed*; *Do, or be ſtarved*, the language of that aſſembly? Was this uſing them like brethren, even like weak brethren, granting that they were ſo? Is this an *eccleſiaſtic*, is this a *Chriſtian* method of dealing with ſcrupulous conſciences? Is this the language of our bleſſed Saviour, the ſupreme *Head* and *King* of his church, who has commanded his ſervants *in meekneſs to inſtruct thoſe that oppoſe themſelves?* Is this the method preſcribed by the *Form of Proceſs?* Or can it have any other tendency, than, itſelf, to *ſubvert that order, unity, and peace which Chriſt hath eſtabliſhed in his church?*

In fine, had our brethren *a libel* put in their hands, pointing out to them what laws of God, what laws of this church conſtitutionally enacted, they were accuſed of tranſgreſſing? That by this means they might either have been convicted of ſome fault, and ſo brought to repentance and amendment, or elſe might have known how and where to lay their defences. Had they ſo much as ten days, (the ſhorteſt time preſcribed by *The Form of Proceſs*) allowed them to give in their anſwers, or prepare their defences? We ſhall not refuſe that a caſe may be ſuppoſed, where a ſummar procedure would not be quite improper, *i. e.* where neither the relevancy of the crime, nor the certainty of the fact are diſputed or denied. But where there are defences to be made upon either of theſe points, how came our brethren to forfeit the common privileges indulged, the common juſtice that is thought to be due, even to ſuch as have been guilty of ſcandalous immoralities? Is unlimited obedience to an executive power commanding, without law, ſo *undiſputable* a point, that the court itſelf might not have got ſome light from formal and deliberate pleadings upon the ſubject? Is an active compliance with the arbitrary will of our annual aſſemblies become already ſo eſtabliſhed a part of our conſtitution, that it is not to be ſuffered henceforth to be ſo much as *diſputed?* Is ſuch a flagrant and ruinous *breach of our conſtitution* become really ſo *eſſential* to it, that it is conſtantly to be taken for granted as a firſt principle of our government? By how much it was new and ſingular to inflict *ſuch* a puniſhment for *ſuch* a crime, ought it not to have been conſidered with ſo much the more deliberation? And in proportion to the ſeverity of the cenſure, being no leſs than depoſition, did it not require

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ſo much the greater ſolemnity of trial? Eſpecially as no redreſs could be had in the courts of law for the temporal loſs ſuſtained, which all other ſubjects have acceſs to, when injuſtice has been done them in the firſt inſtance. Yet upon that very day, when the preſbytery of *Dumfermline* were firſt called to anſwer for their conduct, one was voted to be depoſed; and next day the ſentence of depoſition pronounced upon Mr. *Thomas Gilleſpie*, and of ſuſpenſion againſt the other brethren, and that by a court from which there lay no appeal.

We might, upon this occaſion, mention ſome farther inſtances of very important innovations affecting our conſtitution in a ſenſible manner, which that aſſembly ventured upon, without ſo much as conſulting preſbyteries upon the matter, contrary to the ſpirit of our Barrier acts. Such as diſabling any number of a preſbytery, under five, to execute a part of the office of a preſbytery, which was ſuch an *innovation, and alteration of our conſtitution*, that we cannot help looking upon it as *illegal*. And to alledge that it was not intended for a ſtanding law, but only to ſerve a particular purpoſe, inſtead of mending the matter, makes it worſe. For it is the eſſential privilege of all thoſe who have the benefit of a government that is not *deſpotic* to be judged by the ſtanding laws, and not by laws made for a particular occaſion in a court of judicature, on purpoſe to trepan them, and bring them within the reach of a penalty, which are laid aſide again, whenever they have ſerved that partial and arbitrary view.

Upon the whole therefore, the —— being unwillingly driven, by theſe threatening encroachments which have lately been made with ſo high a hand upon our valuable and happy conſtitution, and the little ſucceſs that has attended any ſhorter, or ſofter application for redreſſing our grievances, and being moved by a proſpect of the hurt which the true intereſt of Chriſt's kingdom is like to ſuſtain; of the unhappy diviſions, and other evil effects that may flow from a continuance of ſuch meaſures, find ourſelves under a diſagreeable neceſſity of laying our complaints before the next enſuing venerable aſſembly, and of ſpecifying the grounds of them more particularly, and at greater length than has yet been done, and with greater freedom and boldneſs than we would think it proper to do, if the obſtinacy of the evil did ſeem to be removable by any ſofter meaſures. A *boldneſs* which we are animated with, not indeed by the rank of this judicature in the government of the church, compared with a national aſſembly, which we own to be our ſuperiors in the Lord, and in the execution of the ſtanding acts of this church, and in every thing

thing that is not diſagreeable thereto; but a *boldneſs* ariſing from thoſe *laws* whoſe cauſe we are pleading, (which, as long as we can boaſt of any conſtitution at all, muſt always be owned to be ſuperior even to an aſſembly itſelf) and which give a dignity to, and inſpire a confidence in the loweſt member of our conſtitution that appears in their defence, which muſt be wanting in the higheſt power that attempts to overturn them.

Animated by this conſideration, we do, with all the deference to our ſuperiors which is conſiſtent with a juſt and neceſſary defence of our own valuable privileges, and of our laws and conſtitution, and in the ſpirit of meekneſs, beg leave humbly to repreſent,

That, if once it be yielded that any particular aſſembly may depoſe and inflict the higheſt cenſures upon any miniſter who refuſes to give an active obedience to their commands, not only when ſuch commands are not founded upon, but are even apparently contrary to our ſtanding conſtitutions, this would, at once, render every the leaſt pretence of a limitation upon their *legiſlative* power entirely vain and inſignificant, and, in the moſt effectual manner, compliment them with the moſt valuable part of our conſtitution. It would, at one ſtroke, evidently raze all the acts we have upon record, and be indeed neither more nor leſs than a ſubſtitution of their meer arbitrary will in the place of any laws that have been, or that can be, ever ſo conſtitutionally enacted, which is the very eſſence of deſpotic government.

That if ever, thro' the negligence of preſbyteries in their atteſtations of commiſſioners to the general aſſembly (which is already begun to be much complained of) a corrupt majority ſhould get an aſcendency in that court, a court known to be, more than any other church judicatory in *Scotland*, compoſed of, and influenced by ſecular men of high rank in the world; ſuch encroachments upon our excellent conſtitution will put it in their power, without the conſent, and even againſt the declared inclinations of by far the greateſt number of this church, to overturn every article of our *doctrine*, *worſhip*, *diſcipline*, or *government*, that may happen to incur their diſpleaſure. An example of this we have already had in the aſſemblies of the former part of the laſt century, whoſe proceedings were found to be null and void by the aſſembly 1638, for this among other reaſons, becauſe they were diſagreeable to the ſtanding conſtitutions of this church. And it was for preventing the like encroachments for the time to come, that the aſſembly 1639 found it neceſſary to limit the power of aſſemblies by what is called our Bar-

Barrier Acts. And as we ſtand bound by our ordination engagements to *aſſert, maintain, and defend the doctrine, worſhip, diſcipline, and government*, which has been eſtabliſhed among us by our worthy anceſtors as being *founded on and agreeable to the word of God, and to guard againſt every thing that may* not only *directly*, but even *indirectly tend to the prejudice or ſubverſion of the ſame*; we find ourſelves under the deepeſt obligations to teſtify againſt what has ſo threatening an aſpect to all that is valuable to us as members of, and office-bearers in this Preſbyterian church.

That if general aſſemblies continue to interpoſe their authority, and inflict cenſures in oppoſition to the ſtanding laws of the church, the direct tendency, and the certain conſequence of this muſt be, to deſtroy that very authority, and introduce anarchy and confuſion in place of that beautiful order and ſubordination for which ſo great a regard has lately been pretended. Who are really the ſincereſt friends to it, may be judged by the tenderneſs we plead for in exerciſing it, and the freedom which others are ready to uſe with it, and the obvious hazards to which they venture to expoſe it. We are ſo far from being enemies to that juſt authority which, by our conſtitution, the general aſſembly *ought* to have, that we are heartily concerned to ſee an authority which we have ſo great a regard for, ſtretched beyond what we are ſenſible it is able to bear. While we ardently wiſh that the authority of our ſupreme judicature were reſtored to its priſtine vigour and uſefulneſs, we cannot but be ſorry to find any of our brethren reduced to the unhappy and diſagreeable dilemma of either diſobeying the general aſſembly, or, what we muſt ſtill think greater than the aſſembly, the laws and conſtitutions of this church, not to ſay the authority of Jeſus Chriſt himſelf the ſupreme Head and King of the church. For an aſſembly to caſt off ſubjection to their own laws is, at leaſt, as great and fatal a breach of our beautiful ſubordination, as for a preſbytery to diſobey the illegal orders of an aſſembly, with this remarkable difference that the firſt authoriſes and neceſſitates the other, and opens the door thro' which nothing but diviſion and diſorder can enter. And therefore the very concern that we have for maintaining the juſt authority of the general aſſembly, and for preſerving the beautiful ſubordination that our conſtitution has eſtabliſhed, moves us to remonſtrate againſt the expoſing of that authority to be certainly and juſtly contraveened, and againſt ſo ruinous a breach of that ſubordination as naturally *muſt*, and even rightly *ought* to diſturb the whole.

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We are far from refuſing a ſubjection to the ſeveral judicatories which we have brought ourſelves under the ſolemneſt engagements to, in their due ſubordination, according to eſtabliſhed rules, and in the execution of the commands of Chriſt, agreeable to the ſtanding acts and conſtitutions of this church, in faith of which we became members of it, and office-bearers in it, (which we preſume is the only ſenſe that any ſubjection promiſed at our ordination is capable of in a *Proteſtant* church.) But if, without regard to the conſtant principles and ſtanding laws of the church, the arbitrary commands even of the aſſembly itſelf in their executive capacity, are to be ſubſtituted in the room of thoſe laws which it is their buſineſs to enforce, and an unlimited active obedience to every order of this kind, however inconſiſtent it may appear to be with, or directly contrary to the moſt eſtabliſhed principles and conſtitutional rules of the ſociety, is to be inſiſted on as a term of miniſterial communion, we have no ſcruple to declare it as our opinion, that this would be holding the miniſtry which we have received of the Lord Jeſus by too precarious a tenure, and upon a condition that is not only ambulatory and uncertain, but that may prove ruinous and deſtructive (if we can judge by other inſtances in former times) to the moſt valuable intereſts of Chriſt's kingdom; that this would be a *ſort of obedience* which is ſo far from being neceſſary or *eſſential* to our conſtitution, that it is obviouſly and apparently *inconſiſtent* with it, in ſo far as *our conſtitution* has left the general aſſembly itſelf but a power limited by the acts made with the conſent of the majority of preſbyteries, a limitation that, in ſuch a caſe, would be plainly reduced to a meer chimera; and a *ſort of obedience* which we are ſo far from being tied down to by our ordination engagements, that it might render it impoſſible for us, in many caſes, to adhere inviolably to them, *notwithſtanding of whatever trouble or perſecution may ariſe*, i. e. (as we cannot help conceiving the ſenſe of that expreſſion) tho' we ſhould be otherwiſe ordered by any ſuperior upon earth.

As for the only evaſion whereby all this is attempted to be eluded, namely, that the aſſembly is the ſupreme interpreter of our ſtanding laws, we ſhall only obſerve, (1.) That we cannot think any man will, in ſober ſerioufneſs, pretend that this has no bounds; ſo that if our ſuperiors were endeavouring (as has been done in former times) to impoſe upon us any thing of the Antichriſtian worſhip or hierarchy, ever ſo apparently contrary to our ſtanding acts, were it but a ſubmiſſion to conſtant moderators, this interpreting power of theirs would bear out, either them in re-

requiring, or us in yielding ſubmiſſion in ſuch a caſe. And we muſt be allowed to ſay that the uſe which has been made of this argument in ſupport of the very deciſions which our laws are notourly known to have been made on purpoſe to prevent, or to have abſolutely no meaning or intention whatever, is ſo far from contributing in the leaſt degree to cover the unwarrantableneſs and illegality of the uſurpation, that it really ſerves only to make it more apparent and indiſputable. (2.) That if the aſſembly ſhould put an interpretation upon our ſtanding laws that appears to the greateſt part of the church obviouſly contrary to them, our conſtitution has not left us without a remedy for this evil, the very ſpirit of it pointing out, in ſuch a caſe, a recourſe to preſbyteries for their opinion. A difference has ariſen, and ſubſiſts between a majority in ſome late aſſemblies, and a great part of the miniſters, as well as by far the greateſt part of the elders and other members of the church of *Scotland*, wherein the *laſt* appeal to the expreſs words of our laws: and for the *firſt* to take upon them to be ſole judges in their own cauſe, while our conſtitution has provided, and offers another method for the deciſion of ſo important a queſtion; as it would be a plain ſymptom of prejudice againſt the liberty which has been thought worthy of ſuch a proviſion, ſo it muſt needs continue and increaſe the alarm that has been taken at the late meaſures, and confirm us in the apprehenſion of a graſping at deſpotic power. Even when a *plauſible* ſenſe that might *honeſtly* be put upon any particular acts, appears to the bulk of the ſociety inconſiſtent with the letter and deſign of them, it would, no doubt, be *fair* at leaſt, and agreeable to our conſtitution, that a matter, eſpecially of importance, not only to the miniſters, but to all the Chriſtian people of this church be firſt tranſmitted to preſbyteries, before it be *forced* upon a reluctant, complaining, and reclaiming ſociety, that their opinion being had, it may appear whether the conteſted interpretation, and the authoritative impoſition of it be agreeable to the general ſenſe of the church, or only to that of a prevailing party in the aſſembly.

And therefore conſidering the jealouſies which have been raiſed by ſome late tranſactions that have a threatening aſpect upon what we count a valuable part of our conſtitution, we think ourſelves ſufficiently entitled to demand of the enſuing venerable aſſembly, that they would reverſe the proceedings of the aſſembly 1752 here complained of, for the ſame reaſon that ſeveral acts abovementioned have been reverſed by former aſſemblies upon the complaints of inferior judicatories, as contrary to our conſtitution and ſtanding laws, and that they would as far as is now practicable

tleable, restore the presbytery of *Dunfermline*, and the several innocent parishes in the bounds thereof, who have a right to pastors that can discharge all the parts of their office, according to Christ's appointment, to the same situation with other presbyteries and other parishes in this church, which are not, and ought not to be, even for the fault of individuals, mutilated and dismembered, that there may not be any longer the mournful and disagreeable appearance, as if there was *one tribe*, in some measure, *cut off from Israel this day*. If this cannot be obtained in as summar a way as the occasion was given for it, may we not hope, at least, that they will transmit the question to presbyteries, and take the general sense of the church upon an affair so important and interesting to us all, before a precedent be established that may have so universal, and, in our apprehension, so pernicious an influence. If both the one and the other be refused, it surely cannot be thought immodest to desire that the venerable assembly would have the condescendence to what, we hope, they cannot consider worse than our weakness, to bestow a little instruction upon us and show us how such a conduct can be reconciled with our constitution.

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F I N I S.

E R R A T A.

Page 16, *line* 5 *of the notes*, *for* qu'en *read* qu'on. *ib. l.* 14, *for* 1 *Pet.* v. *r.* 1 *Pet.* v. *p.* 17, *l.* 18, *for* partake *r.* partakes. *p.* 20, *l.* 5 *of the notes*, *for* in failli *r.* infailli. *p.* 29, *l.* 1 *of the notes*, *for* 20 *r.* 19. *p.* 30, *l.* 8 *of the notes*, *for* faire *r.* faire faire. *ib. l.* 9, *for* puissans *r.* puissance. *ib. l.* 12, *for* soummatons *r.* soumettons. *ib. l.* 18, *for* indifferednt *r.* indifferent. *p.* 50, *l.* 32, *for* meriting *r.* merits. *p.* 76, *l.* 9, *for* the scandalous assembly of the *r.* that scandalous assembly the. *p.* 8[illegible], *l.* 24, *for* synod *r.* synodal. *p.* 86, *l.* *antepenult.* *adde* a. *p.* 88, *l. ult.* *for* Campaigne *r.* Compeigne. *p.* 90, *l.* 23, *for* you heard *r.* you have heard. *p.* 94, *l.* 12, *for* amissing *r.* a missing. *p.* 95, *l.* 30, *for* pretend *r.* pretended. *ib. for* the *r.* a. *p.* 113, *l. penult.* *for* ever insist *r.* ever after insist. *p.* 116, *the semicolon in l.* 34, *should be in l.* 35, *after* us. *p.* 123, *l.* 13, *for* signifying *r.* specifying.

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